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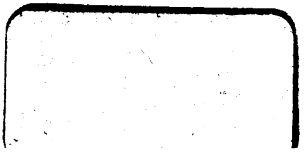

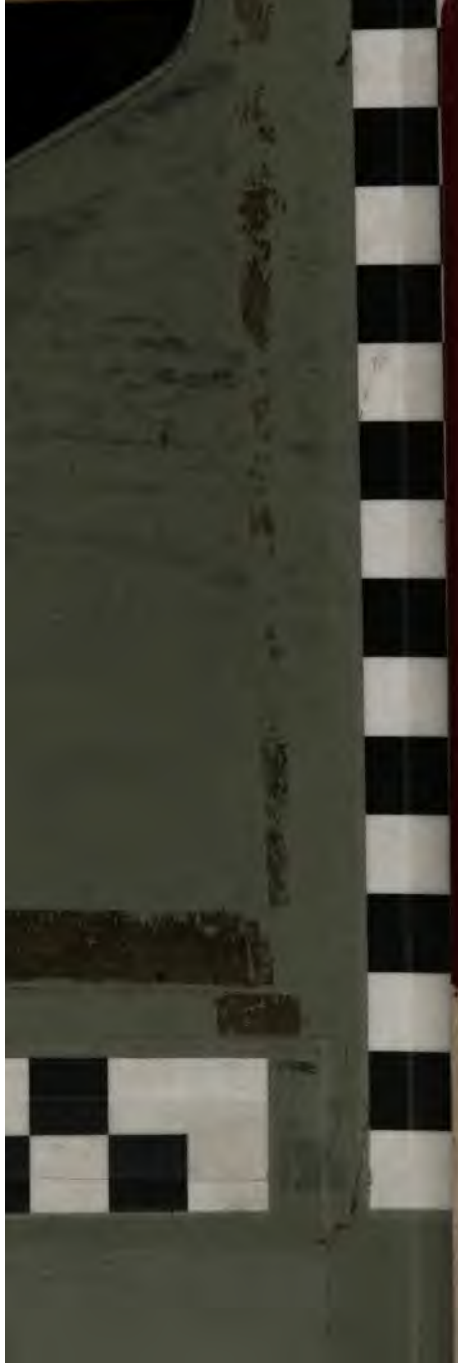

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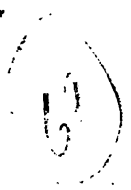

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THE

LIFE AND DEATH

OF

SIR MATTHEW HALE, Kt.

LORD CHIEF JUSTICE

OF

England.

WRITTEN BY

GILBERT BURNET, D.D.

BISHOP OF SALISBURY.

TO THIS NEW EDITION ARE ADDED,

Richard Baxter's Additional Notes to the Life of Sir Matthew Hale,

AND ALSO BY

SIR MATTHEW HALE,

SOME

Thoughts on the Nature of True Religion.

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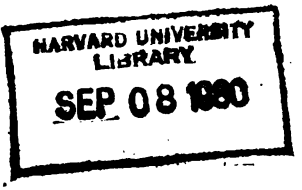

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PREFACE.

No part of hiſtory is more inſtructive and delighting, than the lives of great and worthy men: The ſhortneſs of them invites many readers, and there are ſuch little and yet remarkable paſſages in them, too inconſiderable to be put in a general hiſtory of the age in which they lived; that all people are very deſirous to know them. This makes Plutarch's Lives be more generally read, than any of all the books which the ancient Greeks or Romans writ.

But the lives of heroes and princes, are commonly filled with the account of the great things done by them, which do rather belong to a general than a particular hiſtory; and do rather amuſe the readers fancy with a ſplendid ſhew of greatneſs, than offer him what is really ſo uſeful to himſelf; and indeed the lives of princes are either writ with ſo much flattery, by thoſe who intended to merit by it at their own hands, or others concerned in them; or with ſo much ſpite, by thoſe who being

ill uſed by them, have revenged themſelves on their memory, that there is not much to be built on them: and though the ill nature of many makes what is ſatirically writ, to be generally more read and believed, than when the flattery is viſible and courſe; yet certainly reſentment may make the writer corrupt the truth of hiſtory, as much as intereſt: And ſince all men have their blind ſides, and commit errors, he that will induſtriouſly lay theſe together, leaving out, or but ſlightly touching what ſhould be ſet againſt them, to balance them, may make a very good man appear in very bad colours: So upon the whole matter, there is not that reaſon to expect either much truth, or great inſtruction, from what is written concerning heroes or princes; for few have been able to imitate the patterns Suetonius ſet the world in writing the lives of the Roman emperors, with the ſame freedom that they had led them: But the lives of private men, though they ſeldom entertain the reader with ſuch a variety of paſſages as the other do; yet certainly they offer him things that are more imitable, and do preſent wiſdom and virtue to him, not only in a fair idea, which is often looked on as a piece of the invention or fancy

of the writer, but in ſuch plain and familiar inſtances, as do both direct him better, and perſuade him more; and there are not ſuch temptations to bias thoſe who writ them, ſo that we may generally depend more on the truth of ſuch relations as are given in them.

In the age in which we live, religion and virtue have been propoſed and defended with ſuch advantages, with that great force of reaſon, and thoſe perſuaſions, that they can hardly be matched in former times; yet after all this, there are but few much wrought on by them, which perhaps flows from this, among other reaſons, that there are not ſo many excellent patterns ſet out, as might both in a ſhorter, and more effectual manner recommend that to the world, which diſcourſes do but coldly; the wit and ſtile of the writer being more conſidered than the argument which they handle, and therefore the propoſing virtue and religion in ſuch a model, may perhaps operate more than the perſpective of it can do; and for the hiſtory of learning, nothing does ſo preſerve and improve it, as the writing the lives of thoſe who have been eminent in it.

There is no book the ancients have left us, which might have informed us more

than Diogenes Laertius his lives of the philoſophers; if he had had the art of writing equal to that great ſubject which he undertook; for if he had given the world ſuch an account of them, as Gaſſendus has done of Peireſk, how great a ſtock of knowledge might we have had, which by his unſkilfulneſs is in a great meaſure loſt? Since we muſt now depend only on him, becauſe we have no other, or better author, that has written on that argument.

For many ages there were no lives writ but by Monks, through whoſe writings there runs ſuch an incurable humour, of telling incredible and inimitable paſſages, that little in them can be believed or propoſed as a pattern: Sulpitius Severus and Jerom ſhewed too much credulity in the lives they writ, and raiſed Martin and Hilarion beyond what can be reaſonably believed: after them Socrates, Theodoret, Sozomen and Palladius took a pleaſure to tell uncouth ſtories of the Monks of Thebais; and Nitria: and thoſe who came after them, ſcorned to fall ſhort of them, but raiſed their ſaints above thoſe of former ages; ſo that one would have thought that undecent way of writing could riſe no higher; and this humour infected even

thoſe who had otherwiſe a good ſenſe of things, and a juſt apprehenſion of mankind, as may appear in Matthew Paris, who though he was a writer of great judgment and fidelity, yet he has corrupted his hiſtory with much of that alloy: But when emulation and envy roſe among the ſeveral orders or houſes, then they improved in that art of making romances, inſtead of writing lives, to that pitch, that the world became generally much ſcandalized with them: The Franciſcans and Dominicians tried who could ſay the moſt extravagant things of the founders, or other ſaints of their orders, and the Benedictines; who thought themſelves, poſſeſſed of the belief of the world, as well as of its wealth, endeavoured all that was poſſible ſtill to keep up the dignity of their order, by outlying the others all they could; and whereas here or there, a miracle, a viſion or trance, might have occurred in the lives of former ſaints; now every page was full of thoſe wonderful things.

Nor has the humour of writing in ſuch a manner, been quite laid down in this age, though more awakened and better enlightened, as appears in the life of Philip Nerius, and a great many more: And the

Jeſuits at Antwerp, are now taking care to load the world with a vaſt and voluminous collection of all thoſe lives, that has already ſwelled to eleven volumes in folio, in a ſmall print, and yet being digeſted according to the kalendar, they have yet but ended the month of April: The life of Monſieur Renty is writ in another manner, where there are ſo many excellent paſſages, that he is juſtly to be reckoned amongſt the greateſt patterns that France has afforded in this age.

But while ſome have nouriſhed infidelity, and a ſcorn of all ſacred things, by writing of thoſe good men in ſuch a ſtrain, as makes not only what is ſo related to be disbelieved, but creates a diſtruſt of the authentical writings of our moſt holy faith; others have fallen into another extreme in writing lives too jejunely, ſwelling them up with trifling accounts of the childhood and education, and the domeſtic or private affairs of thoſe perſons of whom they write, in which the world is little concerned: by theſe they become ſo flat, that few care to read them, for certainly thoſe tranſactions are only fit to be delivered to poſterity, that may carry with them ſome uſeful piece of knowledge to after-times.

I have now an argument before me,

which will afford indeed only a ſhort hiſtory, but will contain in it as great a character, as perhaps can be given of any in this age; ſince there are few inſtances of more knowledge and greater virtues meeting in one perſon. I am upon one account (beſide many more) unfit to undertake it, becauſe I was not at all known to him, ſo I can ſay nothing from my own obſervation; but upon ſecond thoughts I do not know whether this may not qualify me to write more impartially, though perhaps more defectively; for the knowledge of extraordinary perſons does moſt commonly bias thoſe, who were much wrought on by the tenderneſs of their friendſhip, for them, to raiſe their ſtile a little too high when they write concerning them: I confeſs I knew him as much as the looking often upon him could amount to. The laſt year of his being in London, he came always on Sundays, (when he could go abroad) to the chapel of the Rolls, where I then preached: In my life I never ſaw ſo much gravity tempered with that ſweetneſs, and ſet off ſo much vivacity as appeared in his looks and behaviour, which diſpoſed me to a veneration for him, which I never had for any, with whom I was not acquainted: I was ſeeking an opportunity

of being admitted to his converſation; but I underſtood that between a great want of health, and a multiplicity of buſineſs, which his employment brought upon him, he was maſter of ſo little of his time, that I ſtood in doubt whether I might preſume to rob him of any of it, and ſo he left the town, before I could reſolve on deſiring to be known to him.

My ignorance of the law of England, made me alſo unfit to write of a man, a great part of whoſe character, as to his learning, is to be taken from his ſkill in the common law, and his performances in that. But I ſhall leave that to thoſe of the ſame robe: Since if I engaged much in it, I muſt needs commit many errors, writing of a ſubject that is foreign to me.

The occaſion of my undertaking this, was given me firſt by the earneſt deſires of ſome that have great power over me, who having been much obliged by him, and holding his memory in high eſtimation, thought I might do it ſome right by writing his life; I was then engaged in the hiſtory of the Reformation, ſo I promiſed that as ſoon as that was over, I ſhould make the beſt uſe I could of ſuch informations and memorials as ſhould be brought me.

This I have now performed in the beſt manner I could, and have brought into method all the parcels of his life, or the branches of his character, which I could either gather from the informations that were familiarly acquainted with him, or from his writings: I have not applied any of the falſe colours with which art, or ſome forced eloquence might furniſh me in writing concerning him; but have endeavoured to ſet him out in the ſame ſimplicity in which he lived: I have ſaid little of his domeſtic concerns, ſince though in theſe he was a great example, yet it ſignifies nothing to the world to know any particular exerciſes, that might be given to his patience; and therefore I ſhall draw a vail over all theſe, and ſhall avoid ſaying any thing of him, but what may afford the reader ſome profitable inſtruction: I am under no temptations of ſaying any thing but what I am perſuaded is exactly true, for where there is ſo much excellent truth to be told it were an inexcuſable fault to corrupt that, or prejudice the reader againſt it by the mixture of falſehoods with it.

In ſhort as he was a great example while he lived, ſo I wiſh the ſetting him thus out to poſterity, in his own true and native co-

lours, may have its due influence on a perſons; but more particularly on tho of that profeſſion, whom it more immed ately concerns, whether on the bench at the bar.

THE

LIFE AND DEATH

OF

Sir MATTHEW HALE, Kt.

LATE

LORD CHIEF JUSTICE

OF

ENGLAND.

MATTHEW HALE was born at Alderly in Glocestershire, the first of *November*, 1609. His grandfather was Robert Hale, an eminent clothier in Wotton-under-edge, in that country, where he and his ancestors had lived for many descents; and they had given several parcels of land for the use of the poor, which are enjoyed by them to this day. This Robert acquired an estate of ten thousand pound, which he divided almost equally amongst his five sons, besides the portions he gave his daughters, from whom a numerous posterity has sprung. His second son was Robert Hale, a barrister of Lincolns-Inn; he married Joan, the daughter of Matthew Poyntz, of Alderly esquire, who was descended from that noble family of the Poyntz's of Acton: Of this marriage

there was no other iſſue but this one ſon. His grandfather by his mother was his godfather, and gave him his own name at his baptiſm. His father was a man of that ſtrictneſs of conſcience, that he gave over the practiſe of the law, becauſe he could not underſtand the reaſon of giving colour in pleadings, which as he thought was to tell a lie; and that, with ſome other things commonly practiſed, ſeemed to him contrary to that exactneſs of truth and juſtice which became a Chriſtian; ſo that he withdrew himſelf from the Inns of court, to live on his eſtate in the country. Of this I was informed by an ancient gentleman, that lived in a friendſhip with his ſon for fifty years, and he heard judge Jones, that was Mr. Hales's contemporary, declare this in the kings-bench. But as the care he had to ſave his ſoul, made him abandon a profeſſion in which he might have raiſed his family much higher; ſo his charity to his poor neighbours, made him not only deal his alms largely among them while he lived, but at his death he left (out of his ſmall eſtate, which was but 100 *l.* a year) 20 *l.* a year to the poor of Wotton, which his ſon confirmed to them with ſome addition, and with this regulation, that it ſhould be diſtributed among ſuch poor houſe-keepers as did not receive the alms of the pariſh; for to give it to thoſe, was only as he uſed to ſay, to ſave ſo much money to the rich, who by law were bound to relieve the poor of the pariſh.

Thus he was deſcended rather from a good than a noble family, and yet what was wanting in the inſignificant titles of high birth, and noble blood, was more than made up in the true worth

of his anceſtors. But he was ſoon deprived of the happineſs of his father's care and inſtruction, for as he loſt his mother before he was three years old, ſo his father died before he was five; ſo early was he caſt on the providence of God. But that unhappineſs was in a great meaſure made up to him: For after ſome oppoſition made by Mr. Thomas Poyntz, his uncle by his mother, he was committed to the care of Anthony Kingſcot, of Kingſcot eſquire, who was his next kinſman, after his uncles, by his mother.

Great care was taken of his education, and his guardian intended to breed him to be a divine; and being inclined to the way of thoſe then called Puritans, put him to ſome ſchools that were taught by thoſe of that party, and in the 17th year of his age, ſent him to Magdalen-hall in Oxford, where Obadiah Sedgwick was his tutor. He was an extraordinary proficient at ſchool, and for ſome time at Oxford. But the ſtage-players coming thither, he was ſo much corrupted by ſeeing many plays, that he almoſt wholly forſook his ſtudies. By this he not only loſt much time, but found that his head came to be thereby filled with ſuch vain images of things, that they were at beſt improfitable, if not hurtful to him; and being afterwards ſenſible of the miſchief of this, he reſolved upon his coming to London, (where he knew the opportunities of ſuch ſights would be more frequent and inviting) never to ſee a play again, to which he conſtantly adhered.

The corruption of a young man's mind in one particular, generally draws on a great many more after it, ſo he being now taken off from following

his ſtudies, and from the gravity of his deportment, that was formerly eminent in him, far beyond his years, ſet himſelf to many of the vanities incident to youth, but ſtill preſerved his purity, and a great probity of mind. He loved fine cloaths, and delighted much in company; and being of a ſtrong robuſt body, he was a great maſter at all thoſe exerciſes that required much ſtrength. He alſo learned to fence, and handle his weapons, in which he became ſo expert, that he worſted many of the maſters of thoſe arts: but as he was exerciſing himſelf in them, an inſtance appeared that ſhewed a good judgment, and gave ſome hopes of better things. One of his maſters told him he could teach him no more, for he was now better at his own trade than himſelf was. This Mr. Hale looked on as flattery; ſo to make the maſter diſcover himſelf, he promiſed him the houſe he lived in, for he was his tenant, if he could hit him a blow on the head, and bade him do his beſt, for he would be as good as his word: ſo after a little engagement, his maſter being really ſuperior to him, hit him on the head, and he performed his promiſe, for he gave him the houſe freely; and was not unwilling at that rate to learn ſo early, to diſtinguiſh flattery from plain and ſimple truth.

He was now ſo taken up with martial matters, that inſtead of going on in his deſign of being a ſcholar, or a divine, he reſolved to be a ſoldier: and his tutor Sedgwick going into the Low Countries, chaplain to the renowned lord Vere, he reſolved to go along with him, and to trail a pike in the Prince of Orange's army; but a happy ſtop was put to this reſolution, which might have

proved so fatal to himself, and have deprived the age of the great example he gave, and the useful services he afterwards did his country. He was engaged in a suit of law with Sir Will. Whitmore, who laid claim to some part of his estate, and his guardian being a man of a retired temper, and not made for business, he was forced to leave the university, after he had been three years in it, and go to London to solicite his own business. Being recommended to serjeant Glanvill for his counsellor, and he observing in him a clear apprehension of things, and a solid judgment, and a great fitness for the study of the law, took pains upon him to persuade him to forsake his thoughts of being a soldier, and to apply himself to the study of the law: and this had so good an effect on him, that on the 8th of Novemb. 1629. when he was past the 20th year of his age, he was admitted into Lincolns-Inn: and being then deeply sensible how much time he had lost, and that idle and vain things had over-run and almost corrupted his mind, he resolved to redeem the time he had lost, and followed his studies with a diligence that could scarce be believed, if the signal effects of it did not gain it credit. He studied for many years at the rate of 16 hours a day: he threw aside all fine clothes, and betook himself to a plain fashion, which he continued to use in many points to his dying day.

But since the honour of reclaiming him from the idleness of his former course of life, is due to the memory of that eminent lawyer serj. Glanvill, and since my design in writing is to propose a pattern of heroic virtue to the world, I shall mention

one paſſage of the ſerjeant which out never to be forgotten. His father had a fair eſtate, which he intended to ſettle on his elder brother, but he being a vicious young man, and there appearing no hopes of his recovery, he ſettled it on him, that was his ſecond ſon. Upon his death, his eldeſt ſon finding that what he had before looked on, as the threatnings of an angry father, was now but too certain, became melancholy, and that by degrees wrought ſo great a change on him, that what his father could not prevail in while he lived, was now effected by the ſeverity of his laſt will, ſo that it was now too late for him to change in hopes of an eſtate that was gone from him. But his brother obſerving the reality of the change, reſolved within himſelf what to do: ſo he called him, with many of his friends together to a feaſt, and after other diſhes had been ſerved up to the dinner, he ordered one that was covered to be ſet before his brother, and deſired him to uncover it; which he doing, the company was ſurprized to find it full of writings. So he told them that he was now to do, what he was ſure his father would have done, if he had lived to ſee that happy change, which they now all ſaw in his brother: and therefore he freely reſtored to him the whole eſtate. This is ſo great an inſtance of a generous and juſt diſpoſition, that I hope the reader will eaſily pardon this digreſſion, and that the rather, ſince that worthy ſerjeant was ſo inſtrumental in the happy change that followed in the courſe of Mr Hale's life.

Yet he did not at firſt break off from keeping ſuch company with ſome vain people, till a

ſad accident drove him from it; for he with ſome other young ſtudents, being invited to be merry out of town, one of the company called for ſo much wine, that notwithſtanding all that Mr Hale could do to prevent it, he went on in his exceſs till he fell down as dead before them, ſo that all that were preſent, were not a little affrighted at it, who did what they could to bring him to himſelf again: This did particularly affect Mr Hale, who thereupon went into another room, and ſhutting the door, fell on his knees, and prayed earneſtly to God, both for his friend, that he might be reſtored to life again; and that himſelf might be forgiven for giving ſuch countenance to ſo much exceſs: and he vowed to God, that he would never again keep company in that manner, nor drink a health while he lived: his friend recovered, and he moſt religiouſly obſerved his vow, till his dying day. And though he was afterwards preſt to drink healths, particularly the king's, which was ſet up by too many as a diſtinguiſhing mark of loyalty, and drew many into great exceſs after his majeſty's happy reſtoration; but he would never diſpenſe with his vow, though he was ſometimes roughly treated for this, which ſome hot and indiſcreet men called obſtinacy.

This wrought an entire change on him: now he forſook all vain company, and divided himſelf between the duties of religion, and the ſtudies of his profeſſion: in the former he was ſo regular, that for ſix and thirty years time, he never once failed going to church on the Lord's day; this obſervation he made when an ague firſt interrupted that conſtant courſe, and he reflected on it, as an

acknowledgement of God's great goodneſs to him, in ſo long a continuance of his health.

He took a ſtrict account of his time, of which the reader will beſt judge, by the ſcheme he drew for a diary which I ſhall inſert copied from the original, but I am not certain when he made it; it is ſet down in the ſame ſimplicity in which he writ it for his own private uſe.

MORNING.

I. To lift up the heart to God in thankfulneſs for renewing my life.

II. To renew my covenant with God in Chriſt.
1. By renewing acts of faith receiving Chriſt, and rejoicing in the height of that relation.
2. Reſolution of being one of his people doing him allegiance.

III. Adoration and prayer.

IV. Setting a watch over my own infirmities and paſſions, over the ſnares laid in our way. Perimus licitis.

Day Employment.

There muſt be an employment, two kinds.

I. Our ordinary calling, to ſerve God in it. *It is a ſervice to Chriſt though never ſo mean*, Coloſ. 3. Here faithfulneſs, diligence, chearfulneſs. Not to overlay myſelf with more buſineſs than I can bear.

II. Our ſpiritual employments: Mingle ſomewhat of God's immediate ſervice in this day.

Refreſhments.

I. Meat and drink, moderation ſeaſoned with ſomewhat of God.
II. Recreation. 1. Not our buſineſs. 2. Suitable. No games, if given to covetouſneſs or paſſion.

If alone.

I. Beware of wandering vain luſtful thoughts; fly from thyſelf rather than entertain theſe.
II. Let thy ſolitary thoughts be profitable, view the evidences of thy ſalvation, the ſtate of thy ſoul, the coming of Chriſt, thy own mortality, it will make thee humble and watchful.

Company.

Do good to them. Uſe God's name reverently. Beware of leaving an ill impreſſion of ill example. Receive good from them, if more knowing.

Evening.

Caſt up the accounts of the day. If ought amiſs, beg pardon. Gather reſolution of more vigilance. If well, bleſs the mercy and grace of God that hath ſupported thee.

Theſe notes have an imperfection in the wording of them, which ſhews they were only intended for his privacies. No wonder a man who ſet

ſuch rules to himſelf, became quickly very eminent and remarkable.

Noy the Attorney General, being then one of the greateſt men of the profeſſion, took early notice of him, and called often for him, and directed him in his ſtudy, and grew to have ſuch friendſhip for him, that he came to be called *young Noy*. He paſſing from the extreme of vanity in his apparel, to that of neglecting himſelf too much, was once taken when there was a preſs for the king's ſervice, as a fit perſon for it; for he was a ſtrong and well-built man: But ſome that knew him coming by, and giving notice who he was, the preſs-men let him go. This made him return to more decency in his clothes, but never to any ſuperfluity or vanity in them.

Once as he was buying ſome cloth for a new ſuit, the draper with whom he differed about the price, told him he ſhould have it for nothing, if he would promiſe him an hundred pounds when he came to be Lord Chief Juſtice of England; to which he anſwered, that he could not with a good conſcience wear any man's cloth, unleſs he paid for it; ſo he ſatisfied the draper, and carried away the cloth. Yet that ſame draper lived to ſee him advanced to that ſame dignity.

While he was thus improving himſelf in the ſtudy of the law, he not only kept the hours of the Hall conſtantly in term-time, but ſeldom put himſelf out of commons in vacation-time, and continued then to follow his ſtudies with an unwearied diligence, and not being ſatisfied with the books writ about it, or to take things upon truſt, was very diligent in ſearching all records: Then

did he make divers collections out of the books he had read, and mixing them with his own observations, digeſted them into a common-place book; which he did with ſo much induſtry and judgment, that an eminent Judge of the king's-bench, borrowed it of him when he was Lord Chief Baron: He unwillingly lent it, becauſe it had been writ by him before he was called to the bar, and had never been thoroughly reviſed by him ſince that time, only what alterations had been made in the law by ſubſequent ſtatutes and judgments, were added by him as they had happened: But the Judge having peruſed it, ſaid, that though it was compoſed by him ſo early, he did not think any lawyer in England could do it better, except he himſelf would again ſet about it.

He was ſoon found out by that great and learned Antiquary Mr. Selden, who though much ſuperior to him in years, yet came to have ſuch a liking of him, and of Mr. Vaughan, who was afterwards Lord Chief Juſtice of the common-pleas, that as he continued in a cloſe friendſhip with them while he lived, ſo he left them at his death two of his four executors.

It was this acquaintance that firſt ſet Mr. Hale on a more enlarged purſuit of learning, which he had before confined to his own profeſſion, but becoming as great a maſter in it, as ever any was, very ſoon; he who could never let any of his time go away unprofitably, found leiſure to attain to as great a variety of knowledge, in as comprehenſive a manner, as moſt men have done in any age.

He ſet himſelf much to the ſtudy of the Roman

law, and though he liked the way of judicature
England by Juries, much better than that of t
civil law, where ſo much was truſted to t
Judge; yet he often ſaid, that the true groun
and reaſons of law were ſo well delivered in t
Digeſts, that a man could never underſtand l
as a ſcience ſo well, as by ſeeking it there, a
therefore lamented much that it was ſo little ſt
died in England.

He looked on readineſs in arithmetic, as a thi
which might be uſeful to him in his own emplo
ment, and acquired it to ſuch a degree, that
would often on the ſudden, and afterwards on t
bench reſolve very hard queſtions, which h
puzzled the beſt accountants about town.
reſted not here, but ſtudied the Algebra, bo
Specioſa and Numeroſa, and went through all t
other mathematical ſciences, and made a gr
collection of very excellent inſtruments, ſpari
no coſt to have them as exact as art could ma
them. He was alſo very converſant in philo
phical learning, and in all the curious experimen
and rare diſcoveries of this age: And had
new books written on thoſe ſubjects ſent him fr
all parts, which he both read and examined
critically, that if the principles and hypothe
which he took firſt up, did any way prepoſ
him, yet thoſe who have differed moſt from hi
have acknowledged, that in what he has writ c
cerning the Torricellian experiment, and of
rarefaction and condenſation of the air, he ſhe
as great an exactneſs, and as much ſubtilty in t
reaſoning he builds on them, as theſe principles
which he adhered could bear. But indeed it w

ſeem ſcarce credible, that a man ſo much employed, and of ſo ſevere a temper of mind, could find leiſure to read, obſerve and write ſo much of theſe ſubjects as he did. He called them his diverſions, for he often ſaid when he was weary with the ſtudy of the law, or divinity, he uſed to recreate himſelf with philoſophy or the mathematics; To theſe he added great ſkill in phyſic, anatomy and chirurgery: And he uſed to ſay "no man could be abſolutely a maſter in any profeſſion, without having ſome ſkill in other ſciences;" for beſides the ſatisfaction he had in the knowledge of theſe things, he made uſe of them often in his employment. In ſome examinations he would put ſuch queſtions to Phyſicians or Chirurgeons, that they have profeſſed the college of Phyſicians could not do it more exactly; by which he diſcovered great judgment, as well as much knowledge in theſe things: And in his ſickneſs he uſed to argue with his doctors about his diſtempers, and the methods they took with them, like one of their own profeſſion; which one of them told me he underſtood, as far as ſpeculation without practice could carry him.

To this he added great ſearches into Ancient Hiſtory, and particularly into the rougheſt and leaſt delightful part of it, Chronology. He was well acquainted with the ancient Greek philoſophers, but want of occaſion to uſe it, wore out his knowledge of the Greek tongue; yet by his great converſation with Selden, he underſtood the moſt curious things in the Rabbinical learning.

But above all theſe, he ſeemed to have made the ſtudy of divinity the chief of all others, to

which he not only directed every thing elſe, but alſo arrived at that pitch in it, that thoſe who have read, what he has written on theſe ſubjects, will think, they muſt have had moſt of his time and thoughts. It may ſeem extravagant, and almoſt incredible, that one man in no great compaſs of years, ſhould have acquired ſuch a variety of knowledge; and that in ſciences that require much leiſure and application. But as his parts were quick, and his apprehenſions lively, his memory great, and his judgment ſtrong; ſo his induſtry almoſt indefatigable. He roſe always betimes in the morning, was never idle, ſcarce ever held any diſcourſe about news, except with ſome few in whom he confided entirely. He entered into no correſpondence by letters, except about neceſſary buſineſs, or matters of learning, and ſpent very little time in eating or drinking; for as he never went to public feaſts, ſo he gave no entertainments but to the poor; for he followed our Saviour's direction (of feaſting none but theſe) literally: And in eating and drinking, he obſerved not only great plainneſs and moderation, but lived ſo philoſophically, that he always ended his meal with an appetite: ſo that he loſt little time at it; (that being the only portion which he grudged himſelf) and was diſpoſed to any exerciſe of his mind, to which he thought fit to apply himſelf after he had dined: by theſe means he gained much time, that is otherwiſe unprofitably waſted.

He had alſo an admirable equality in the temper of his mind, which diſpoſed him for whatever ſtudies he thought fit to turn himſelf to; and ſome very uneaſy things which he lay under for

many years, did rather engage him to, than diſtract him from his ſtudies.

When he was called to the bar, and began to make a figure in the world, the late unhappy wars broke out, in which it was no eaſy thing, for a man to preſerve his integrity, and to live ſecurely, free from great danger and trouble. He had read the Life of Pomponius Atticus, writ by Nepos, and having obſerved, that he had paſſed through a time of as much diſtraction, as ever was in any age or ſtate, from the wars of Marius and Scilla, to the beginnings of Auguſtus' reign, without the leaſt blemiſh on his reputation, and free from any conſiderable danger, being held in great eſteem by all parties, and courted and favoured by them: he ſet him as a pattern to himſelf, and obſerving that beſides thoſe virtues which are neceſſary to all men, and at all times, there were two things that chiefly preſerved Atticus; the one was, "his engaging in no faction, and meddling in no public buſineſs;" the other was, "his conſtant favouring and relieving thoſe that were loweſt," which was aſcribed by ſuch as prevailed to the generoſity of his temper, and procured him much kindneſs from thoſe on whom he had exerciſed his bounty, when it came to their turn to govern: he reſolved to guide himſelf by thoſe rules as much as was poſſible for him to do.

He not only avoided all public employment, but the very talking of news, and was always both favourable and charitable to thoſe who were depreſſed, and was ſure never to provoke any in particular, by cenſuring or reflecting on their ac-

tions; for many that have converſed much with him, have told me they never heard him once ſpeak ill of any perſon.

He was employed in his practice by all the king's party: he was aſſigned counſel to the Earl of Strafford, and Arch-biſhop Laud, and afterwards to the bleſſed King himſelf, when brought to the infamous pageantry of a mock-trial, and offered to plead for him with all the courage that ſo glorious a cauſe ought to have inſpired him with, but was not ſuffered to appear, becauſe the king refuſing, as he had good reaſon, to ſubmit to the court, it was pretended none could be admitted to ſpeak for him. He was alſo counſel for the Duke of Hamilton, the Earl of Holland, and the Lord Capel: his plea for the former of theſe I have publiſhed in the memoirs of that Duke's life. Afterwards alſo being counſel for the Lord Craven, he pleaded with that force of argument, that the then attorney-general threatened him for appearing againſt the government, to whom he anſwered, "He was pleading in defence of thoſe laws, which they declared they would maintain and preſerve, and he was doing his duty to his client, ſo that he was not to be daunted with threatenings."

Upon all theſe occaſions he had diſcharged himſelf with ſo much learning, fidelity, and courage that he came to be generally employed for all the party: nor was he ſatisfied to appear for their juſt defence in the way of his profeſſion, but he alſo relieved them often in their neceſſities, which he did in a way that was no leſs prudent than charitable, conſidering the dangers of that time: for

he did often depoſit conſiderable ſums in the hands of a worthy gentleman of the king's party, who knew their neceſſities well, and was to diſtribute his charity according to his own diſcretion, without either letting them know from whence it came, or giving himſelf any account to whom he had given it.

Cromwell ſeeing him poſſeſſed of ſo much practice, and he being one of the moſt eminent men of the law, who was not at all afraid of doing his duty in thoſe critical times, reſolved to take him off from it, and raiſe him to the bench.

Mr. Hale ſaw well enough the ſnare laid for him, and though he did not much conſider the prejudice it would be to himſelf, to exchange the eaſy and ſafer profits he had by his practice, for a Judge's place in the Common-Pleas, which he was required to accept of; yet he did deliberate more on the lawfulneſs of taking a commiſſion from uſurpers; but having conſidered of this, he came to be of opinion, "that it being abſolutely neceſſary to have juſtice and property kept up at all times, it was no ſin to take a commiſſion from uſurpers, if he made no declaration of his acknowledging their authority," which he never did: he was much urged to accept of it by ſome eminent men of his own profeſſion, who were of the king's party, as Sir Orlando Bridgman, and Sir Geoffery Palmer; and was alſo ſatisfied concerning the lawfulneſs of it, by the reſolution of ſome famous divines, in particular Dr. Sheldon, and Dr. Henchman, who were afterwards promoted to the ſees of Canterbury and London.

To theſe were added the importunities of all

his friends, who thought that in a time of ſo much danger and oppreſſion, it might be no ſmall ſecurity to the nation, to have a man of his integrity and abilities on the bench: and the uſurpers themſelves held him in that eſtimation, that they were glad to have him give a countenance to their courts, and by promoting one that was known to have different principles from them, affected the reputation of honouring and truſting men of eminent virtues, of what perſuaſion ſoever they might be, in relation to public matters.

But he had greater ſcruples concerning the proceeding againſt felons, and putting offenders to death by that commiſſion, ſince he thought the ſword of juſtice belonging only by right to the lawful prince, it ſeemed not warrantable to proceed to a capital ſentence by an authority derived from uſurpers; yet at firſt he made diſtinction between common and ordinary felonies, and offences againſt the ſtate; for the laſt he would never meddle in them; for he thought theſe might be often legal and warrantable actions, and that the putting men to death on that account was murder; but for the ordinary felonies, he at firſt was of opinion that it was as neceſſary even in times of uſurpation to execute juſtice in thoſe caſes, as in the matters of property: But after the king was murdered, he laid by all his collections of the pleas of the crown; and that they might not fall into ill hands, he hid them behind the wainſcotting of his ſtudy, for he ſaid there was no more occaſion to uſe them, till the king ſhould be again reſtored to his right; and ſo upon his majeſty's re-

ſtoration he took them out, and went on in his deſign to perfect that great work.

Yet for ſome time after he was made a judge, when he went the circuit, he did ſit on the crown ſide, and judged criminals: But having conſidered farther of it, he came to think that it was at leaſt better not to do it; and ſo after the ſecond or third circuit, he refuſed to ſit any more on the crown ſide, and told plainly the reaſon, for in matters of blood, he was always to chuſe the ſafer ſide: And indeed he had ſo carried himſelf in ſome trials, that they were not unwilling he ſhould withdraw from meddling farther in them, of which I ſhall give ſome inſtances.

Not long after he was made a judge, which was in the year 1653. when he went the circuit, a trial was brought before him at Lincoln, concerning the murder of one of the towns-men, who had been of the kings party, and was killed by a ſoldier of the garriſon there. He was in the fields with a fowling piece on his ſhoulder, which the ſoldier ſeeing, he came to him and ſaid, it was contrary to an order which the protector had made, that none who had been of the kings party ſhould carry arms; and ſo he would have forced it from him: But as the other did not regard the order, ſo being ſtronger than the ſoldier, he threw him down, and having beat him, he left him. The ſoldier went into the town, and told one of his fellow ſoldiers how he had been uſed, and got him to go with him, and lie in wait for the man that he might be revenged on him. They both watched his coming to town, and one of them went to him to demand his gun, which he refuſed, the ſoldier

ſtruck at him, and as they were ſtruggling, the other came behind, and ran his ſword into his body, of which he preſently died. It was in the time of the aſſizes, ſo they wereboth tried: Againſt the one there was no evidence of forethought felony, ſo he was only found guilty of man-ſlaughter, and burnt on the hand; but the other was found guilty of murder: And though Colonel Whaley that commanded the garriſon, came into the court and urged, that the man was killed only for diſobeying the protector's orders, and that the ſoldier was but doing his duty; yet the judge regarded both his reaſons and threatenings very little; and therefore he not only gave ſentence againſt him, but ordered the execution to be ſo ſuddenly done, that it might not be poſſible to procure a reprieve, which he believed would have been obtained, if there had been time enough granted for it.

Another occaſion was given him of ſhewing both his juſtice and courage, when he was in another circuit; he underſtood that the protector had ordered a jury to be returned for a trial in which he was more than ordinarily concerned: upon this information, he examined the Sheriff about it, who knew nothing of it, for he ſaid he referred all ſuch things to the under-ſheriff; and having next aſked the under-ſheriff concerning it, he found the jury had been returned by order from Cromwell, upon which he ſhewed the ſtatute, that all juries ought to be returned by the ſheriff, or his lawful officer: And this not being done according to law, he diſmiſſed the jury, and would not try the cauſe: Upon which the protector was highly diſpleaſed with him, and at his return from

the circuit, he told him in anger, he was not fit to be a judge, to which all the anſwer he made was, that it was very true.

Another thing met him in the circuit, upon which he reſolved to have proceeded ſeverely: Some Anabaptiſts had ruſhed into a church, and had diſturbed a congregation, while they were receiving the ſacrament, not without ſome violence; at this he was highly offended, for he ſaid it was intolerable for men, who pretended ſo highly to liberty of conſcience, to go and diſturb others; eſpecially thoſe who had the encouragement of the law on their ſide: but theſe were now ſupported by ſome great magiſtrates and officers, that a ſtop was put to his proceedings; upon which he declared, he would meddle no more with trials on the crown-ſide.

When Penruddock's trial was brought on, there was a ſpecial meſſenger ſent to him requiring him to aſſiſt at it. It was in vacation time, and he was at his country-houſe at Alderly: he plainly refuſed to go, and ſaid, the four terms, and two circuits, were enough, and the little interval that was between, was little enough for their private affairs, and ſo he excuſed himſelf; he thought it was not neceſſary to ſpeak more clearly, but if he had been urged to it, he would not have been afraid of doing it.

He was at that time choſen a parliament-man, (for there being then no houſe of Lords, judges might have been choſen to ſit in the houſe of commons) and he went to it, on deſign to obſtruct the mad and wicked projects then on foot, by two

parties, that had very different principles and ends.

On the one hand, ſome that were perhaps more ſincere, yet were really brain-ſick, deſigned they knew not what, being reſolved to pull down a ſtanding miniſtry, the law, and property of England, and all the ancient rules of this government; and ſet up in its room an indigeſted enthuſiaſtical ſcheme, which they called the kingdom of Chriſt, or of his ſaints; many of them being really in expectation, that one day or another Chriſt would come down, and ſit among them, and at leaſt they thought to begin the glorious thouſand years mentioned in the Revelation.

Others at the ſame time, taking advantages from the fears and apprehenſions, that all the ſober men of the nation were in, leſt they ſhould fall under the tyranny of a diſtracted ſort of people, who to all their other ill principles added great cruelty, which they had copied from thoſe at Munſter in the former age, intended to improve that opportunity to raiſe their own fortunes and families. Amidſt theſe, judge Hale ſteered a middle courſe; for as he would engage for neither ſide, ſo he with a great many more worthy men came to parliaments, more out of a deſign to hinder miſchief, than to do much good; wiſely foreſeeing, that the inclinations for the royal family were daily growing ſo much, that in time the diſorders then in agitation, would ferment to that happy reſolution in which they determined in May 1660. And therefore all that could then be done, was to oppoſe the ill deſigns of both parties, the enthuſiaſts as well as the uſurpers. Among the

other extravagant motions made in this parliament, one was, to deſtroy all the records in the tower, and to ſettle the nation in a new foundation; ſo he took this province to himſelf, to ſhew the madneſs of this propoſition, the injuſtice of it, and the miſchiefs that would follow on it, and did it with ſuch clearneſs, and ſtrength of reaſon, as not only ſatisfied all ſober perſons (for it may be ſuppoſed that was ſoon done) but ſtopt even the mouths of the frantic people themſelves.

Thus he continued adminiſtering juſtice till the protector died, but then he both refuſed the mournings that were ſent to him and his ſervants for the funeral, and likewiſe to accept of the new commiſſion that was offered him by Richard, and when the reſt of the judges urged it upon him, and employed others to preſs him to accept of it, he rejected all their importunities, and ſaid he could act no longer under ſuch authority.

He lived a private man till the parliament met, that called home the king, to which he was returned knight of the ſhire from the county of Gloceſter. It appeared at that time how much he was beloved and eſteemed in his neighbourhood; for though another who ſtood in competition with him, had ſpent near a thouſand pounds to procure voices, a great ſum to be employed that way in thoſe days, and he had been at no coſt, and was ſo far from ſoliciting it, that he had ſtood out long againſt thoſe who preſſed him to appear, and he did not promiſe to appear till three days before the election, yet he was preferred. He was brought thither almoſt by violence, by the lord (now earl of) Berkeley, who bore all the charge of the en-

tertainments on the day of his election, which was conſiderable, and had engaged all his friends and intereſt for him: and whereas by the writ, the knight of a ſhire muſt be *miles gladio cinctus*, and he had no ſword, that noble lord girt him with his own ſword during the election, but he was ſoon weary of it, for the embroidery of the belt did not ſuit well with the plainneſs of his clothes: and indeed the election did not hold long, for as ſoon as ever he came into the field, he was choſen by much the greater number, though the poll continued for three or four days.

In that parliament he bore his ſhare, in the happy period then put to the confuſions that threatened the utter ruin of the nation, which contrary to the expectation of the moſt ſanguine, ſettled in ſo ſerene and quiet a manner, that thoſe who had formerly built ſo much on their ſucceſs, calling it an anſwer from heaven to their ſolemn appeals, to the providence of God, were now not a little confounded, to ſee all this turned againſt themſelves, in an inſtance much more extraordinary than any of thoſe were, upon which they had built ſo much. His great prudence and excellent temper led him to think, that the ſooner an act of indemnity were paſſed, and the fuller it were of graces and favours, it would ſooner ſettle the nation, and quiet the minds of the people; and therefore he applied himſelf with a particular care to the framing and carrying it on: In which it was viſible he had no concern of his own, but merely his love of the public that ſet him on to it.

Soon after this, when the courts in Weſtminſter-hall came to be ſettled, he was made lord chief

baron; and when the earl of Clarendon (then lord chancellor) delivered him his commiſſion, in the ſpeech he made according to the cuſtom on ſuch occaſions, he expreſſed his eſteem of him in a very ſingular manner, telling him among other things, that if the king could have found out an honeſter and fitter man for that employment, he would not have advanced him to it; and that he had therefore preferred him, becauſe he knew none that deſerved it ſo well. It is ordinary for perſons ſo promoted to be knighted, but he deſired to avoid having that honour done him, and therefore for a conſiderable time declined all opportunities of waiting on the king, which the lord chancellor obſerving, ſent for him upon buſineſs one day, when the king was at his houſe, and told his majeſty there was his modeſt chief baron, upon which, he was unexpectedly knighted.

He continued eleven years in that place, managing the court, and all proceedings in it with ſingular juſtice. It was obſerved by the whole nation, how much he raiſed the reputation and practice of it: And thoſe who held places and offices in it, can all declare, not only the impartiality of his juſtice, for that is but a common virtue, but his generoſity, his vaſt diligence, and his great exactneſs in trials. This gave occaſion to the only complaint that ever was made of him, that he did not diſpatch matters quick enough; but the great care he uſed, to put ſuits to a final end, as it made him ſlower in deciding them; ſo it had this good effect, that cauſes tried before him, were ſeldom if ever tried again.

Nor did his adminiſtration of juſtice lie only in

that court. He was one of the principal judges that ſat in Cliffords-Inn, about ſettling the difference between landlord and tenant, after the dreadful fire of London. He being the firſt that offered his ſervice to the city, for accommodating all the differences that might have ariſen about the rebuilding it, in which he behaved himſelf to the ſatisfaction of all perſons concerned; ſo that the ſudden and quiet building of the city, which is juſtly to be reckoned one of the wonders of the age, is in no ſmall meaſure due to the great care, which he and Sir Orlando Bridgman, (then lord chief juſtice of the Common-Pleas afterwards lord keeper of the great ſeal of England) uſed, and to the judgment they ſhewed in that affair; ſince without the rules then laid down, there might have otherwiſe followed ſuch an endleſs train of vexatious ſuits, as might have been little leſs chargeable than the fire itſelf had been. But without detracting from the labours of the other judges, it muſt be acknowledged that he was the moſt inſtrumental in that great work; for he firſt by way of ſcheme, contrived the rules upon which he and the reſt proceeded afterwards; in which his readineſs at Arithmetic, and his ſkill in Architecture were of great uſe to him.

But it will not ſeem ſtrange that a judge behaved himſelf as he did, who at the entry into his employment, ſet ſuch excellent rules to himſelf, which will appear in the following paper copied from the original under his own hand.

Things neceſſary to be continually had in remembrance.

I. That in the adminiſtration of juſtice, I am intruſted for God, the king and country; and therefore,

II. That it be done, 1. Uprightly, 2. Deliberately, 3. Reſolutely.

III. That I reſt not upon my own underſtanding or ſtrength, but implore and reſt upon the direction and ſtrength of God.

IV. That in the execution of juſtice, I carefully lay aſide my own paſſions, and not give way to them, however provoked.

V. That I be wholly intent upon the buſineſs I am about, remitting all other cares and thoughts, as unſeaſonable and interruptions.

VI. That I ſuffer not myſelf to be prepoſſeſſed with any judgment at all, till the whole buſineſs and both parties be heard.

VII. That I never engage myſelf in the beginning of any cauſe, but reſerve myſelf unprejudiced till the whole be heard.

VIII. That in buſineſs capital, though my nature prompt me to pity; yet to conſider, that there is alſo a pity due to the country.

IX. That I be not too rigid in matters purely conſcientious, where all the harm is diverſity of judgment.

X. That I be not biaſſed with compaſſion to the poor, or favour to the rich, in point of juſtice.

XI. That popular, or court applauſe, or diſtaſte, have no influence into any thing I do in point of diſtribution of juſtice.

XII. Not to be ſolicitous what men will ſay or think, ſo long as I keep myſelf exactly according to the rule of juſtice.

XIII. If in criminals it be a measuring cast, to incline to mercy and acquittal.

XIV. In criminals that consist merely in words, when no more harm ensues, moderation is no injustice.

XV. In criminals of blood, if the fact be evident, severity is justice.

XVI. To abhor all private solicitations, of what kind soever, and by whom soever in matters depending.

XVII. To charge my servants, 1. Not to interpose in any business whatsoever. 2. Not to take more than their known fees. 3. Not to give any undue precedence to causes. 4. Not to recommend counsel.

XVIII. To be short and sparing at meals, that I may be the fitter for business.

He would never receive private addresses or recommendations from the greatest persons in any matter in which justice was concerned. One of the first peers of England went once to his chamber, and told him, that having a suit in law to be tried before him, he was then to acquaint him with it, that he might the better understand it, when it should come to be heard in court. Upon which the Lord Chief Baron interrupted him, and said he did not deal fairly to come to his chamber about such affairs, for he never received any information of causes but in open court, where both parties were to be heard alike, so he would not suffer him to go on: Whereupon his grace (for he was a duke) went away not a little dissatisfied, and complained of it to the king, as a rudeness that was not to be endured.

But his majeſty bid him content himſelf that he was no worſe uſed, and ſaid, he verily believed he would have uſed himſelf no better, if he had gone to ſolicite him in any of his own cauſes.

Another paſſage fell out in one of his circuits, which was ſome what cenſured as an affectation of an unreaſonable ſtrictneſs, but it flowed from his exactneſs to the rules he had ſet himſelf: a gentleman had ſent him a buck for his table, that had a trial at the aſſizes; ſo when he heard his name, he aſked if he was not the ſame perſon that had ſent him veniſon, and finding he was the ſame, he told him, he could not ſuffer the trial to go on, till he had paid him for his buck; to which the gentleman anſwered, that he never ſold his veniſon, and that he had done nothing to him, which he did not to every judge that had gone that circuit, which was confirmed by ſeveral gentlemen then preſent: but all would not do, for the Lord Chief Baron had learned from Solomon, that a gift perverteth the ways of judgment, and therefore he would not ſuffer the trial to go on, till he had paid for the preſent; upon which the gentleman withdrew the record; and at Saliſbury the Dean and Chapter having according to the cuſtom preſented him with ſix ſugar loaves in his circuit, he made his ſervants pay for the ſugar before he would try their cauſe.

It was not ſo eaſy for him to throw off the importunities of the poor, for whom his compaſſion wrought more powerfully than his regard to wealth and greatneſs, yet when juſtice was concerned, even that did not turn him out of the way. There was one that had been put out of a

place for ſome ill behaviour, who urged the Lord Chief Baron to ſet his hand to a certificate to reſtore him to it, or provide him with another: but he told him plainly his fault was ſuch he could not do it; the other preſſed him vehemently and fell down on his knees, and begged it of him with many tears; but finding that could not prevail, he ſaid he ſhould be utterly ruined if he did not; and he ſhould curſe him for it every day. But that having no effect, then he fell out into all the reproachful words, that paſſion and deſpair could inſpire him with, to which all the anſwer the Lord Chief Baron made, was, that he could very well bear all his reproaches, but he could not for all that ſet his hand to his certificate. He ſaw he was poor, ſo he gave him a charity and ſent him away.

But now he was to go on after his pattern, Pomponius Atticus, ſtill to favour and relieve them that were loweſt; ſo beſides great charities to the nonconformiſts, who were then as he thought too hardly uſed, he took great care to cover them all he could, from the ſeverities ſome deſigned againſt them, and diſcouraged thoſe who were inclined to ſtretch the laws too much againſt them: He lamented the differences that were raiſed in this church very much, and according to the impartiality of his juſtice, he blamed ſome things on both ſides, which I ſhall ſet down with the ſame freedom that he ſpake them. He thought many of the nonconformiſts, had merited highly in the buſineſs of the King's reſtoration, and at leaſt deſerved that the terms of conformity ſhould not have been made ſtricter, than they were before

the war. There was not then that dreadful proſpect of popery, that has appeared ſince: But that which afflicted him moſt, was, that he ſaw the heats and contentions which followed upon thoſe different parties and intereſts, did take people off from the indiſpenſible things of religion, and ſlackened the zeal of other ways good men for the ſubſtance of it, ſo much being ſpent about external and indifferent things. It alſo gave advantages to atheiſts, to treat the moſt ſacred points of our holy faith as ridiculous, when they ſaw the profeſſors of it contend, ſo fiercely, and with ſuch bitterneſs, about leſſer matters: He was much offended at all thoſe books that were written, to expoſe the contrary ſect to the ſcorn and contempt of the age in a wanton and petulant ſtile; he thought ſuch writers wounded the Chriſtian religion, through the ſides of thoſe who differed from them; while a ſort of lewd people, who having aſſumed to themſelves the title of the wits (though but a very few of them have a right to it) took up from both hands, what they had ſaid, to make one another ſhew ridiculous, and from thence perſuaded the world to laugh at both, and at all religion for their ſakes. And therefore he often wiſhed there might be ſome law, to make all ſcurrility in diſputes about religion puniſhable. But as he lamented the proceedings too rigorouſly againſt the nonconformiſts; ſo he declared himſelf always of the ſide of the church of England, and ſaid thoſe of the ſeparation were good men, but they had narrow ſouls, who would break the peace of the church, about ſuch

inconſiderable matters, as the points in difference were.

He ſcarce ever meddled in ſtate intrigues, yet upon a propoſition that was ſet on foot by the Lord Keeper Bridgeman, for a comprehenſion of the more moderate diſſenters, and a limited indulgence towards ſuch as could not be brought within the comprehenſion, he diſpenſed with his maxim, of "avoiding to engage in matters of ſtate." There were ſeveral meetings upon that occaſion. The Divine of the church of England that appeared moſt conſiderably for it, was Doctor Wilkins, afterwards promoted to the biſhopric of Cheſter, a man of as great a mind, as true a judgment, as eminent virtues, and of as good a ſoul, as any I ever knew. He being determined as well by his excellent temper, as by his foreſight and prudence, by which he early perceived the great prejudices that religion received, and the vaſt dangers the reformation was like to fall under by thoſe diviſions; ſet about that project with the magnanimity that was indeed peculiar to himſelf; for though he was much cenſured by many of his own ſide, and ſeconded by very few, yet he puſhed it as far as he could. After ſeveral conferences with two of the moſt eminent of the preſbyterian divines, heads were agreed on, ſome abatements were to be made, and explanations were to be accepted of. The particulars of that project being thus concerted, they were brought to the Lord Chief Baron, who put them in form of a bill, to be preſented to the next ſeſſions of parliament.

But two parties appeared vigorouſly againſt

this deſign, the one was of ſome zealous clergymen, who thought it below the dignity of the church to alter laws, and change ſettlements for the ſake of ſome whom they eſteemed ſchiſmatics: they alſo believed, it was better to keep them out of the church, than bring them into it, ſince a faction upon that would ariſe in the church, which they thought might be more dangerous than the ſchiſm itſelf was. Beſides they ſaid, if ſome things were now to be changed in compliance with the humour of a party, as ſoon as that was done, another party might demand other conceſſions, and there might be as good reaſons invented for theſe, as for thoſe. Many ſuch conceſſions might alſo ſhake thoſe of our own communion, and tempt them to forſake us, and go over to the church of Rome, pretending that we changed ſo often, that they were thereby inclined to be of a church that was conſtant and true to herſelf. Theſe were the reaſons brought, and chiefly inſiſted on againſt all comprehenſion; and they wrought upon the greater part of the houſe of commons, ſo that they paſſed a vote againſt the receiving of any bill for that effect.

There were others that oppoſed it upon very different ends: they deſigned to ſhelter the papiſts from the execution of the law, and ſaw clearly that nothing could bring in popery ſo well as a toleration. But to tolerate popery bare-faced, would have ſtartled the nation too much; ſo it was neceſſary to hinder all the propoſitions for union, ſince the keeping up the differences was the beſt colour they could find, for getting the toleration to paſs only as a ſlackening the laws

againſt diſſenters, whoſe numbers and wealth made it adviſeable to have ſome regard to them; and under this pretence popery might have crept in more covered, and leſs regarded: ſo theſe councils being more acceptable to ſome concealed papiſts then in great power, as has ſince appeared but too evidently, the whole project for comprehenſion was let fall, and thoſe who had ſet it on foot, came to be looked on with an ill eye, as ſecret favourers of the diſſenters, underminers of the church, and every thing elſe that jealouſy and diſtaſte could caſt on them.

But upon this occaſion the Lord Chief Baron, and Dr. Wilkins, came to contract a firm and familiar friendſhip; and the Lord Chief Baron having much buſineſs, and little time to ſpare, did to enjoy the other the more, what he had ſcarce ever done before, he went ſometimes to dine with him. And though he lived in great friendſhip with ſome other eminent clergymen, Dr. Ward, Biſhop of Saliſbury; Dr. Barlow, Biſhop of Lincoln; Dr. Barrow, late Maſter of Trinity College; Dr. Tillotſon, Dean of Canterbury; and Dr. Stillingfleet, Dean of St. Paul's, (men ſo well known, and ſo much eſteemed, that as it was no wonder the Lord Chief Baron valued their converſation highly, ſo thoſe of them that are yet alive will think it no leſſening of the character they are ſo deſervedly in, that they are reckoned among Judge Hale's friends) yet there was an intimacy and freedom in his converſe with Biſhop Wilkins that was ſingular to him alone: he had during the late wars, lived in a long and entire friendſhip with the apoſtolical primate of Ireland

Biſhop Uſher: their curious ſearches into antiquity, and the ſympathy of both their tempers led them to a great agreement almoſt in every thing. He held alſo great converſation with Mr. Baxter, who was his neighbour at Acton, on whom he looked as a perſon of great devotion and piety, and of a very ſubtle and quick apprehenſion: their converſation lay moſt in metaphyſical and abſtracted ideas and ſchemes.

He looked with great ſorrow on the impiety and atheiſm of the age, and ſo he ſet himſelf to oppoſe it, not only by the ſhining example of his own life, but by engaging in a cauſe, that indeed could hardly fall into better hands: and as he could not find a ſubject more worthy of himſelf, ſo there were few in the age that underſtood it ſo well, and could manage it more ſkilfully. The occaſion that firſt led him to write about it, was this. He was a ſtrict obſerver of the Lord's day, in which, beſides his conſtancy in the public worſhip of God, he uſed to call all his family together, and repeat to them the heads of the ſermons, with ſome additions of his own, which fitted for their capacities, and circumſtances, and that being done, he had a cuſtom of ſhutting himſelf up for two or three hours, which he either ſpent in his ſecret devotions, or on ſuch profitable meditations as did then occur to his thoughts: he wrote them with the ſame ſimplicity that he formed them in his mind, without any art, or ſo much as a thought to let them be publiſhed: he never corrected them, but laid them by, when he had finiſhed them, having intended only to fix and preſerve his own reflections in them; ſo that he

uſed no care to poliſh them, or make the firſt draught more perfect than when they fell from his pen: theſe fell into the hands of a worthy perſon, and he judging, as well he might; that the communicating them to the world, might be a public ſervice, printed two volumes of them in octavo a little before the author's death, containing his

CONTEMPLATIONS.

I. Of our latter end.
II. Of wiſdom and the fear of God.
III. Of the knowledge of Chriſt crucified.
IV. The victory of faith over the world.
V. Of humility.
VI. Jacob's vow.
VII. Of contentation.
VIII. Of afflictions.
IX. A good method to entertain unſtable and troubleſome times.
X. Changes and troubles, a Poem.
XI. Of the redemption of time.
XII. The great audit.
XIII. Directions touching keeping the Lord's day, in a letter to his children.
XIV. Poems written upon Chriſtmaſs-day.

In the ſecond volume.

I. An enquiry touching happineſs.
II. Of the chief end of man.
III. Upon 12 Eccleſ. 1 Remember thy Creator, &c.

IV. Upon the 51 Pſal. v. 10. Create a clean heart in me, with a Poem.
V. The folly and miſchief of ſin.
VI. Of ſelf-denial.
VII. Motives to watchfulneſs, in reference to the good and evil angels.
VIII. Of moderation of the affections.
IX. Of worldly hope and expectation.
X. Upon 13. Heb. 14. We have here no continuing city.
XI. Of contentedneſs and patience.
XII. Of moderation of anger.
XIII. A preparative againſt afflictions.
XIV. Of ſubmiſſion, prayer, and thankſgiving.
XV. Of prayer and thankſgiving on Pſal. 116. 12.
XVI. Meditations on the Lord's prayer, with a paraphraſe upon it.

In them there appears a generous and true ſpirit of religion, mixed with moſt ſerious and fervent devotion, and perhaps with the more advantage, that the ſtile wants ſome correction, which ſhews they were the genuine productions of an excellent mind, entertaining itſelf in ſecret with ſuch contemplations. The ſtile is clear and maſculine, in a due temper between flatneſs and affectation, in which he expreſſes his thoughts both eaſily and decently: in writing theſe diſcourſes, having run over moſt of the ſubjects that his own circumſtances led him chiefly to conſider, he began to be in ſome pain to chuſe new arguments; and therefore reſolved to fix on a theme that ſhould hold him longer.

He was ſoon determined in his choice, by the

immoral and irreligious principles, and practices, that had ſo long vexed his righteous ſoul; and therefore began a great deſign againſt atheiſm, the firſt part of which is only printed, of the origination of mankind, deſigned to prove the creation of the world, and the truth of the Moſaical hiſtory.

The ſecond part was of the nature of the ſoul, and of a future ſtate.

The third part was concerning the attributes of God, both from the abſtracted ideas of him, and of nature; the evidence of providence, the notions of morality, and the voice of conſcience.

And the fourth part was concerning the truth and authority of the ſcriptures, with anſwers to the objections againſt them: on writing theſe he ſpent ſeven years. He wrote them with ſo much conſideration, that one who peruſed the original under his own hand, which was the firſt draught of it, told me, he did not remember of any conſiderable alteration, perhaps not of twenty words in the whole work.

The way of his writing them, only on the evenings of the Lord's day, when he was in town, and not much oftener when he was in the country, made, that they are not ſo contracted, as it is very likely he would have wrote them, if he had been more at leiſure to have brought his thoughts into a narrower compaſs, and fewer words.

But making ſome allowance for the largeneſs of the ſtile, that volume that is printed, is generally acknowledged to be one of the moſt perfect pieces both of learning and reaſoning that has been written on that ſubject: and he who read a

great part of the other volumes told me they were all of a piece with the firſt.

When he had finiſhed this work, he ſent it by an unknown hand to Biſhop Wilkins, to deſire his judgment of it; but he that brought it, would give no other account of the author, but "that he was not a clergyman." The Biſhop, and his worthy friend Dr. Tillotſon, read a great deal of it with much pleaſure, but could not imagine who could be the author, and how a man that was maſter of ſo much reaſon, and ſo great a variety of knowledge, ſhould be ſo unknown to them, that they could not find him out, by thoſe characters, which are ſo little common. At laſt Dr. Tillotſon gueſſed it muſt be the Lord Chief Baron, to which the other preſently agreed, wondering he had been ſo long in finding it out. So they went immediately to him, and the Biſhop thanking him for the entertainment he had received from his works, he bluſhed extremely, not without ſome diſpleaſure, apprehending that the perſon he had truſted had diſcovered him. But the Biſhop ſoon cleared that, and told him, "he had diſcovered himſelf, for the learning of that book was ſo various, that none but he could be the author of it." And that Biſhop having a freedom in delivering his opinion of things and perſons, which perhaps few ever managed both with ſo much plainneſs and prudence, told him, "There was nothing could be better ſaid on theſe arguments, if he could bring it into a leſs compaſs, but if he had not leiſure for that, he thought it much better to have it come out, though a little too large, than that the world ſhould be deprived of

the good which it muſt needs do." But our Judge, had never the opportunities of reviſing it, ſo a little before his death, he ſent the firſt part of it to the preſs.

In the beginning of it, he gives an eſſay of his excellent way of methodizing things, in which he was ſo great a maſter, that whatever he undertook, he would preſently caſt into ſo perfect a ſcheme, the he could never afterwards correct it: he runs out copiouſly upon the argument of the impoſſibility of an eternal ſucceſſion of time, to ſhew that time and eternity are inconſiſtent one with another; and that therefore all duration that was paſt, and defined by time, could not be from eternity, and he ſhews the difference between ſucceſſive eternity, already paſt, and one to come; ſo that though the latter is poſſible, the former is not ſo; for all the parts of the former have actually been, and therefore being defined by time, cannot be eternal; whereas the other are ſtill future to all eternity, ſo that this reaſoning cannot be turned to prove the poſſibility of eternal ſucceſſions, that have been, as well as eternal ſucceſſions that ſhall be. This he followed with a ſtrength I never met with in any that managed it before him.

He brings next all thoſe moral arguments, to prove that the world had a beginning; agreeing to the account Moſes gives of it, as that no hiſtory riſes higher, than near the time of the deluge; and that the firſt foundation of kingdoms, the invention of arts, the beginnings of all religions, the gradual plantation of the world, and increaſe of mankind, and the conſent of nations do agree with it. In managing theſe, as he ſhews profound

skill both in historical, and philosophical learning, so he gives a noble discovery of his great candor and probity, that he would not impose on the reader with a false shew of reasoning by arguments, that he knew had flaws in them; and therefore upon every one of these, he adds such allays, as in a great measure lessened and took off their force, with as much exactness of judgment, and strictness of censure, as if he had been set to plead for the other side; and indeed sums up the whole evidence for religion, as impartially as ever he did in a trial for life or death to the Jury; which how equally and judiciously he always did, the whole nation well knows.

After that, he examines the ancient opinions of the philosophers, and enlarges with a great variety of curious reflections in answering that only argument, that has any appearance of strength for the casual production of man, from the origination of insects out of putrified matter, as is commonly supposed, and he concluded the book, shewing how rational and philosophical the account which Moses gives of it is. There is in it all a sagacity and quickness of thought, mixed with great and curious learning, that I confess I never met together in any other book on that subject: among other conjectures, one he gives concerning the deluge, is, "that he did not think the face of the earth and the waters, were altogether the same before the universal deluge, and after: but possibly the face of the earth was more even than now it is: the seas possibly more dilated and extended, and not so deep as now:" and a little after, "possibly the seas have undermined much of the

appearing continent of earth." This I the rather take notice of, becauſe it hath been ſince his death, made out in a moſt ingenuous, and moſt elegantly wrote book, by Mr. Burnet of Chriſt's college in Cambridge, who has given ſuch an eſſay towards the proving the poſſibility of an univerſal deluge, and from thence, has collected with great ſagacity what paradiſe was before it, as has not been offered by any philoſopher before him.

While the Judge was thus employing his time, the Lord Chief Juſtice Keyling dying, he was on the 18th of May, 1671, promoted to be Lord Chief Juſtice of England. He had made the pleas of the crown one of his chief ſtudies, and by much ſearch, and long obſervation, had compoſed that great work concerning them, formerly mentioned: he that holds the high office of Juſticiary in that court, being the chief truſtee, and aſſertor of the liberties of his country; all people applauded this choice, and thought their liberties could not be better depoſited than in the hands of one, that as he underſtood them well, ſo he had all the juſtice and courage, that ſo ſacred a truſt required. One thing was much obſerved and commended in him, that when there was a great inequality in the ability and learning of the counſellors that were to plead one againſt another: he thought it became him, as the Judge, to ſupply that; ſo he would enforce what the weaker managed but indifferently, and not ſuffer the more learned to carry the buſineſs by the advantage they had over the others in their quickneſs and ſkill in law, and readineſs in pleading, till all things were cleared in which the merits and ſtrength of the ill defend-

ed cauſe lay. He was not ſatisfied barely to give his judgment in cauſes, but did eſpecially in all intricate ones, give ſuch an account of the reaſons that prevailed with him, that the counſel did not only acquieſce in his authority, but were ſo convinced by his reaſons, that I have heard many profeſs, that he brought them often to change their opinions; ſo that his giving of judgment was really a learned lecture upon that point of law: and which was yet more, the parties themſelves, though intereſt does too commonly corrupt the judgment, were generally ſatisfied with the juſtice of his deciſions, even when they were made againſt them. His impartial juſtice, and great diligence, drew the chief practice after him, into whatſoever court he came: ſince, though the courts of the common-pleas, the exchequer, and the king's-bench, are appointed for the trial of cauſes of different natures, yet it is eaſy to bring moſt cauſes into any of them, as the counſel or attornies pleaſe; ſo as he had drawn the buſineſs much after him, both into the common pleas, and the exchequer, it now followed him into the king's bench, and many cauſes that were depending in the exchequer and not determined, were let fall there, and brought again before him in the court to which he was now removed. And here did he ſpend the reſt of his public life and employment: but about four years and a half after this advancement, he who had hitherto enjoyed a firm and vigorous health, to which his great temperance and the equality of his mind, did not a little conduce, was on a ſudden brought very low by an inflammation in his midriff, which in

two days time broke the conſtitution of his health to ſuch a degree, that he never recovered it: he became ſo aſthmatical, that with great difficulty he could ſcarce fetch his breath, that determined in a dropſy, of which he afterwards died. He underſtood phyſic ſo well, that conſidering his age, he concluded his diſtemper muſt carry him off in a little time, and therefore he reſolved to have ſome of the laſt months of his life reſerved to himſelf, that being freed of all worldly cares, he might be preparing for his change: he was alſo ſo much diſabled in his body, that he could hardly, though ſupported by his ſervants, walk through Weſtminſter-Hall, or endure the toil of buſineſs; he had been a long time wearied with the diſtractions that his employment had brought on him, and his profeſſion was become ungrateful to him; he loved to apply himſelf wholly to better purpoſes, as will appear by a paper that he wrote on this ſubject, which I ſhall here inſert.

Firſt, "If I conſider the buſineſs of my profeſſion, whether as an Advocate, or as a Judge, it is true I do acknowledge by the inſtitution of Almighty God, and the diſpenſation of his providence, I am bound to induſtry and fidelity in it: and as it is an act of obedience unto his will, it carries with it ſome things of religious duty, and I may, and do take comfort in it, and expect a reward of my obedience to him, and the good I do to mankind therein, from the bounty and beneficence and promiſe of Almighty God; and it is true alſo that without ſuch employments, civil ſocieties cannot be ſupported, and great good redounds to mankind from them; and in theſe

reſpects the conſcience of my own induſtry, fidelity and integrity in them, is a great comfort and ſatisfaction to me. But yet this I muſt ſay concerning theſe employments, conſidered ſimply in themſelves, that they are very full of cares, anxieties and perturbations."

Secondly, "That though they are beneficial to others, yet they are of the leaſt benefit to him that is employed in them."

Thirdly, "That they do neceſſarily involve the party, whoſe office it is, in great dangers, difficulties, and calumnies."

Fourthly, "That they only ſerve for the meridian of this life, which is ſhort and uncertain."

Fifthly, "That though it be my duty, faithfully to ſerve in them, while I am called to them, and till I am duly called from them; yet they are great conſumers of that little time we have here, which as it ſeems to me, might be bettter ſpent in a pious contemplative life, and a due proviſion for eternity: I do not know a better temporal employment than Martha had, in teſtifying her love and duty to our Saviour, by making proviſion for him; yet our Lord tells her, *That though ſhe was troubled about many things, there was only one thing neceſſary, and* Mary *had choſen the better part.*"

By this the reader will ſee that he continued in his ſtation upon no other conſideration, but that being ſet in it by the providence of God, he judged he could not abandon that poſt which was aſſigned him, without preferring his own private inclination to the choice God had made for him; but now that ſame providence having by this

great diſtemper diſengaged him from the obligation of holding a place, which he was no longer able to diſcharge, he reſolved to reſign it: this was no ſooner ſurmiſed abroad, than it drew upon him the importunities of all his friends and the clamour of the whole town to divert him from it, but all was to no purpoſe; there was but one argument that could move him, which was "that he was obliged to continue in the employment God had put him in for the good of the public;" but to this he had ſuch an anſwer, that even thoſe who were moſt concerned in his withdrawing, could not but ſee, that the reaſons inducing him to it, were but too ſtrong; ſo he made applications to his Majeſty for his Writ of Eaſe, which the king was very unwilling to grant him, and offered to let him hold his place ſtill, he doing what buſineſs he could in his chamber; but he ſaid, "he could not with a good conſcience continue in it, ſince he was no longer able to diſcharge the duty belonging to it."

But yet ſuch was the general ſatisfaction which all the kingdom received by his excellent adminiſtration of juſtice, that the king, though he could not well deny his requeſt, yet he deferred the granting of it as long as was poſſible: nor could the Lord Chancellor be prevailed with to move the king to haſten his diſcharge, though the Chief Juſtice often preſſed him to it.

At laſt having wearied himſelf, and all his friends, with his importunate deſires, and growing ſenſibly weaker in body, he did upon the 21ſt. day of February, 28. Car. 2. Anno Dom. 1675. go before a maſter of the Chancery, with a little

parchment deed, drawn by himself, and written all with his own hand, and there sealed and delivered it, and acknowledged it to be enrolled, and afterwards he brought the original deed to the Lord Chancellor, and did formally surrender his office in these words.

Omnibus Christi fidelibus ad quos præsens Scriptura pervenerit, Matheus Hale, *miles Capitalis Justitiarius Domini Regis ad placita coram ipso Rege tenenda assignatus Salutem in Domino Sempiternam, Noveritis me prafatum* Matheum Hale, *militem jam senem factum et Variis Corporis mei Senilis morbis et infirmitatibus dire Laborantem et adhuc Detentum. Hac Chartatnea resignare et sursum reddere Serenissimo Domino Nostro Carolo Secundo Dei Gratia Angliæ Scotiæ Franciæ et Hiberniæ, Regi, Fidei Defensori*, &c. *Predictum Officium Capitalis Justiciarii ad placita coram ipso Rege tenenda, humillime petens quod hoc Scriptum irrotaletur de Recordo. In cujus rei Testimonium huic chartæ meæ Resignationis Sigillum meum appposui, Dat. vicesimo primo Die Februarii Anno Regni dict. Dom. Regis nunc Vicesimo Octavo.*

He made this instrument as he told the Lord Chancellor for two ends, the one was to shew the world his own free concurrence to his removal: another was to obviate an objection heretofore made "that a Chief Justice being placed by writ, was not removeable at pleasure, as Judges by patent were;" which opinion, as he said, was once held by his predecessor the Lord Chief Justice Keyling, and though he himself was always

of another opinion, yet he thought it reasonable to prevent such a scruple.

He had the day before surrendered to the king in person, who parted from him with great grace, wishing him most heartily the return of his health, and assuring him that he would still look upon him as one of his judges, and have recourse to his advice when his health would permit, and in the mean time would continue his pension during his life.

The good man thought this bounty too great, and an ill precedent for the king, and therefore writ a letter to the lord treasurer, earnestly desiring that his pension might be only during pleasure, but the king would grant it for life, and make it payable quarterly.

And yet for a whole month together, he would not suffer his servant to sue out his patent for his pension, and when the first payment was received, he ordered a great part of it to charitable uses, and said, he intended most of it should be so employed as long as it was paid him.

At last he happened to die upon the quarter day, which was Christmas day, and though this might have given some occasion to a dispute whither the pension for that quarter were recoverable, yet the king was pleased to decide that matter against himself, and ordered the pension to be paid to his executors.

As soon as he was discharged from his great place, he returned home with as much chearfulness, as his want of health could admit of; being now eased of a burthen he had been of late groaning under, and so made more capable of enjoying

that which he had much wished for, according to his elegant translation of, or rather paraphrase upon those excellent lines in Seneca's Thyestes. Act. 2.

Stet quicunque volet potens,
Aulæ culmine lubrico:
Me dulcis Saturet quies,
Obscuro positus loco,
Leni perfruar otio:
Nullis nota Quiritibus,
Ætas per tacitum fluat.
Sic cum Transierint mei,
Nullo cum Strepitu dies,
Plebeius moriar Senex.
Illi mors gravis incubat,
Qui notus nimis omnibus,
Ignotus moritur sibi.

Let him that will ascend the tottering seat
Of our grandeur, and become as great

As are his mounting wishes: as for me,
Let sweet repose and rest my portion be;

Give me some mean obscure recess, a sphere
Out of the road of business, or the fear

Of falling lower; where I sweetly may
Myself and dear retirement still enjoy:

Let not my life or name be known unto
The grandees of the time tost to and fro

By cenſures or applauſe; but let my age
Slide gently by, not overthwart the ſtage

Of public action, unheard, unſeen,
And unconcerned, as if I ne'er had been.

And thus, while I ſhall paſs my ſilent days
In ſhady privacy, free from the noiſe

And buſtles of the mad world, then ſhall I
A good old innocent plebeian die.

Death is a mere ſurpriſe, a very ſnare
To him, that makes it his life's greateſt care

To be a public pageant, known to all,
But unacquainted with himſelf, doth fall.

Having now attained to that privacy which he had no leſs ſeriouſly than piouſly wiſhed for, he called all his ſervants that had belonged to his office together, and told them, he had now laid down his place, and ſo their employments were determined; upon that he adviſed them to ſee for themſelves, and gave to ſome of them very conſiderable preſents, and to every one of them a token, and ſo diſmiſſed all thoſe that were not his domeſtics: He was diſcharged the fifteenth of February, 1675; and lived the Chriſtmas following, but all the while was in ſo ill a ſtate of health, that there was no hopes of his recovery: he continued ſtill to retire often, both for his devotions and ſtudies, and as long as he could go, went conſtantly to his cloſet, and when his infirmities en

creaſed on him, ſo that he was not able to go thither himſelf, he made his ſervants carry him thither in a chair. At laſt, as the winter came on, he ſaw with great joy his deliverance approaching, for beſides his being weary of the world, and his longings for the bleſſedneſs of another ſtate, his pains encreaſed ſo on him, that no patience inferior to his could have borne them without a great uneaſineſs of mind; yet he expreſſed to the laſt ſuch ſubmiſſion to the will of God, and ſo equal a temper under them, that it was viſible then what mighty effects his philoſophy and Chriſtianity had on him, in ſupporting him under ſuch a heavy load.

He could not lie down in bed above a year before his death, by reaſon of the Aſthma, but ſat, rather than lay in it.

He was attended in his ſickneſs, by a pious and worthy divine Mr. Evan Griffith, miniſter of the pariſh; and it was obſerved that in all the extremities of his pain, whenever he prayed by him, he forbore all complaints or groans, but with his hands and eyes lifted up, was fixed in his devotions: Not long before his death, the miniſter told him, there was to be a ſacrament next Sunday at church, but he believed he could not come and partake with the reſt; therefore he would give it to him in his own houſe: But he anſwered, no; his heavenly Father had prepared a feaſt for him, he would go to his Father's houſe to partake of it: ſo he made himſelf be carried thither in his chair, where he received the ſacrament on his knees, with great devotion, which it may be ſuppoſed was the greater, becauſe he apprehended it

was to be his laſt, and ſo took it as his viaticum and proviſion for his journey. He had ſome ſecret unaccountable preſages of his death, for he ſaid, that if he did not die on ſuch a day, (which fell to be the 25th. of November) he believed he ſhould live a month longer, and he died that very day month. He continued to enjoy the free uſe of his reaſon and ſenſe to the laſt moment, which he had often and earneſtly prayed for during his ſickneſs: And when his voice was ſo ſunk that he could not be heard, they perceived by the almoſt conſtant lifting up of his eyes and hands, that he was ſtill aſpiring towards that bleſſed ſtate of which he was now ſpeedily to be poſſeſſed.

He had for many years a particular devotion for Chriſtmas-day, and after he had received the ſacrament, and been in the performance of the public worſhip of that day, he commonly wrote a copy of verſes on the honour of his Saviour, as a fit expreſſion of the joy he felt in his ſoul, at the return of that glorious anniverſary. There are ſeventeen of thoſe copies printed, which he writ on ſeventeen ſeveral Chriſtmas-days, by which the world has a taſte of his poetical genius, in which if he had thought it worth his time to have excelled, he might have been eminent as well as in other things; but he writ them rather to entertain himſelf, than to merit the laurel.

I ſhall here add one which has not been yet printed, and it is not unlikely it was the laſt he writ; it is a paraphraſe on Simeon's ſong; I take it from his blotted copy not at all finiſhed, ſo the reader is to make allowance for any imperfection he may find in it.

Bleſſed Creator, who before the birth
Of time, or e're the pillars of the earth
Were fix't or form'd; didſt lay that great de-
ſign
Of man's redemption, and did'ſt define
In thine eternal councils all the ſcene
Of that ſtupenduous buſineſs, and when
It ſhould appear, and though the very day
Of its epiphany, concealed lay
Within thy mind, yet thou wert pleas'd to ſhow
Some glimpſes of it unto men below,
In viſions, types, and prophecies, as we
Things at a diſtance in perſpective ſee:
But thou wert pleas'd to let thy ſervant know
That that bleſt hour; that ſeem'd to move ſo
ſlow
Through former ages, ſhould at laſt attain
Its time, e're my few ſands, that yet remain
Are ſpent; and that theſe aged eyes
Should ſee the day, when Jacob's ſtar ſhould riſe.
And now thou haſt fulfil'd it, bleſſed Lord
Diſmiſs me now, according to thy word;
And let my aged body now return
To reſt, and duſt, and drop into an urn.
For I have liv'd enough, mine eyes have ſeen
Thy much deſired ſalvation, that hath been
So long, ſo dearly wiſh'd, the joy; the hope
Of all the ancient patriarchs the ſcope
Of all the prophecies, and myſteries;
Of all the types unvail'd, the hiſtories
Of Jewiſh church unridl'd, and the bright
And orient ſun ariſen to give light
To Gentiles, and the joy of Iſrael,
The worlds Redeemer, bleſt Immanuel.

Let this ſight cloſe mine eyes, 'tis loſs to ſee
After this viſion, any ſight but Thee:

Thus he uſed to ſing on the former Chriſtmas-days, but now he was to be admitted to bear his part in the new ſongs above; ſo that day which he had ſpent in ſo much ſpiritual joy, proved to be indeed the day of his Jubilee and deliverance, for between two and three in the afternoon, he breathed out his righteous and pious ſoul. His end was peace, he had no ſtrugglings, nor ſeemed to be in any pangs in his laſt moments. He was buried on the 4th. of January, Mr. Griffith preaching the funeral ſermon, his text was the 57 of Iſa. 1 verſe. *The righteous periſheth, and no man layeth it to heart; and merciful men are taken away, none conſidering that the righteous is taken away from the evil to come.* Which how fitly it was applicable upon this occaſion, all that conſider the courſe of his life, will eaſily conclude. He was interred in the church-yard of Alderly, among his anceſtors; he did not much approve of burying in churches, and uſed to ſay the churches were for the living, and the church-yard for the dead. His monument was like himſelf, decent and plain; the tomb-ſtone was black marble, and the ſides were black and white marble; upon which he himſelf had ordered this bare and humble inſcription to be made,

HIC INHUMATUR CORPUS MATTHEI HALE,
MILITIS;
ROBERTI HALE, ET JOANNÆ, UXORIS EJUS,
FILII UNICI.

NATI IN HAC PAROCHIA DE ALDERLY, PRIMO DIE NOVEMBRIS, ANNO DOM. 1609. DENATI VERO IBIDEM VICESIMO QUINTO DIE DECEMBRIS, ANNO DOM. 1676. ÆTATIS SUÆ, XLVII.

Having thus given an account of the moſt remarkable things of his life, I am now to preſent the reader with ſuch a character of him, as the laying his ſeveral virtues together will amount to: in which I know how difficult a taſk I undertake; for to write defectively of him, were to injure him, and leſſen the memory of one to whom I intend to do all the right that is in my power. On the other hand there is ſo much here to be commended, and propoſed for the imitation of others, that I am afraid ſome may imagine, I am rather making a picture of him, from an abſtracted idea of great virtues, and perfections, than ſetting him out, as he truly was: But there is great encouragement in this, that I write concerning a man ſo freſh in all people's remembrance, that is ſo lately dead; and was ſo much and ſo well known, that I ſhall have vouchers, who will be ready to juſtify me in all that I am to relate, and to add a great deal to what I can ſay.

It has appeared in the account of his various learning, how great his capacities were, and how much they were improved by conſtant ſtudy: He roſe always early in the morning, loved to walk much abroad, not only for his health, but he thought it opened his mind, and enlarged his thoughts to have the creation of God before his eyes. When he ſet himſelf to any ſtudy, he uſed

to caſt his deſign in a ſcheme, which he did with a great exactneſs of method; he took nothing on truſt, but purſued his enquiries as far as they could go, and as he was humble enough to confeſs his ignorance, and ſubmit to myſteries which he could not comprehend, ſo he was not eaſily impoſed on, by any ſhews of reaſon, or the bugbears of vulgar opinions: He brought all his knowledge as much to ſcientifical principles, as he poſſibly could, which made him neglect the ſtudy of tongues, for the bent of his mind lay another way. Diſcourſing once of this to ſome, they ſaid, they looked on the common law, as a ſtudy that could not be brought into a ſcheme, nor formed into rational ſcience, by reaſon of the indigeſtedneſs of it, and the multiplicity of the caſes in it, which rendered it very hard to be underſtood, or reduced into a method; but he ſaid, he was not of their mind, and ſo quickly after, he drew with his own hand, a ſcheme of the whole order and parts of it, in a large ſheet of paper, to the great ſatisfaction of thoſe to whom he ſent it. Upon this hint, ſome preſſed him to compile a body of the Engliſh law; it could hardly ever be done by a man who knew it better, and would with more judgment and induſtry have put it into method; but he ſaid, as it was a great and noble deſign, which would be of vaſt advantage to the nation; ſo it was too much for a private man to undertake. It was not to be entered upon, but by the command of a prince, and with the communicated endeavours of ſome of the moſt eminent of the profeſſion.

He had great vivacity in his fancy, as may appear by his inclination to poetry, and the lively il-

luſtrations, and many tender ſtrains in his contemplations; but he looked on eloquence and wit, as things to be uſed very chaſtely, in ſerious matters, which ſhould come under a ſeverer inquiry: Therefore he was both, when at the bar, and on the bench, a great enemy to all eloquence or rhetoric in pleading: He ſaid, if the judge or Jury had a right underſtanding, it ſignified nothing, but a waſte of time, and loſs of the words; and if they were weak and eaſily wrought on, it was a more decent way of corrupting them, by bribing their fancies, and biaſſing their affections; and wondered much at that affectation of the French lawyers in imitating the Roman orators in their pleadings. For the oratory of the Romans, was occaſioned by their popular government and the factions of the city, ſo that thoſe who intended to excel in the pleading of cauſes, were trained up in the ſchools of the Rhetors, till they became ready and expert in that luſcious way of diſcourſe. It is true, the compoſures of ſuch a man as Tully was, who mixed an extraordinary quickneſs, an exact judgment, and a juſt decorum with his ſkill in Rhetoric, do ſtill entertain the readers of them with great pleaſure: But at the ſame time, it muſt be acknowledged, that there is not that cloſeneſs of reaſoning, nor that juſtneſs of figures in his orations, that is in his other writings; ſo that a great deal was ſaid by him, rather becauſe he knew it would be acceptable to his auditors, than that it was approved of by himſelf, and all who read them, will acknowledge, they are better pleaſed with them as eſſays of wit and ſtyle, then as pleadings, by which ſuch a judge as ours was, would

not be much wrought on. And if there are such grounds to cenſure the performances of the greateſt maſter in eloquence, we may eaſily infer what nauſeous diſcourſes the other Orators made, ſince in oratory as well as in poetry, none can do indifferently. So our judge wondered to find the French, that live under a monarchy, ſo fond of imitating that which was an ill effect of the popular government of Rome: He therefore pleaded himſelf always in few words, and home to the point: and when he was a judge, he held thoſe that pleaded before him, to be the main hinge of the buſineſs, and cut them ſhort when they made excurſions about circumſtances of no moment; by which he ſaved much time, and made the chief difficulties be well ſtated and cleared.

There was another cuſtom among the Romans, which he as much admired, as he deſpiſed their rhetoric, which was that the Juris-Conſults were the men of the higheſt quality, who were bred to be capable of the chief employment in the ſtate, and became the great maſters of their law: theſe gave their opinions of all caſes that were put to them freely, judging it below them to take any preſent for it; and indeed they were only the true Lawyers among them, whoſe reſolutions were of that authority, that they made one claſſis of thoſe materials out of which Trebonian compiled digeſts under Juſtinian; for the Orators or cauſidici that pleaded cauſes, knew little of the law, and only employed their mercenary tongues, to work on the affections of the people and ſenate or the pretors: Even in moſt of Tully's Orations there is little of law and that little which they

might ſprinkle in their declamations, they had not from their own knowledge, but the reſolution of ſome Juris-Conſult: according to that famous ſtory of Servius Sulpitius, who was a celebrated orator, and being to receive the reſolution of one of thoſe that were learned in the law, was ſo ignorant, that he could not underſtand it; upon which the Juris-Conſult reproached him and ſaid, it was a ſhame for him that was a nobleman, a ſenator, and a pleader of cauſes, to be thus ignorant of law: this touched him ſo ſenſibly, that he ſet about the ſtudy of it, and became one of the moſt eminent Juris-Conſults that ever were at Rome. Our judge thought it might become the greatneſs of a prince, to encourage ſuch a ſort of men, and of ſtudies; in which none in the age he lived in was equal to the great Selden, who was truly in our Engliſh law, what the old Roman Juris-Conſults were in theirs.

But where a decent eloquence was allowable, judge Hale knew how to have excelled as much as any, either in illuſtrating reaſonings, by proper and well purſued ſimilies, or by ſuch tender expreſſions as might work moſt on the affections, ſo that the preſent lord Chancellor, has often ſaid of him ſince his death, that he was the greateſt orator he had known; for though his words came not fluently from him, yet when they were out, they were the moſt ſignificant, and expreſſive, that the matter could bear: of this ſort there are many in his contemplations made to quicken his own devotion, which have a life in them becoming him that uſed them, and a ſoftneſs fit to melt even the harſheſt tempers, accommodated to the gravity of

the ſubject, and apt to excite warm thoughts in the readers that as they ſhew his excellent temper that brought them out, and applied them to himſelf, ſo they are of great uſe to all, who would both inform and quicken their minds. Of his illuſtration of things by proper ſimilies, I ſhall give a large inſtance out of his book of the Origination of Mankind, deſigned to expoſe the ſeveral different hypotheſes the philoſophers fell on concerning the eternity and original of the univerſe, and to prefer the account given by Moſes, to all their conjectures; in which, if my taſte does not miſguide me, the reader will find a rare and very agreeable mixture, both of fine wit, and ſolid learning and judgment.

That which may illuſtrate my meaning in this preference of the revealed light of the holy ſcriptures, touching this matter, above the eſſays of a philoſophical imagination, may be this. Suppoſe that Greece being unacquainted with the curioſity of mechanical engines, though known in ſome remote region of the world, and that an excellent artiſt had ſecretly brought and depoſited in ſome field or foreſt, ſome excellent watch or clock, which had been ſo formed, that the original of its motion were hidden, and involved in ſome cloſe contrived piece of mechaniſm, that this watch was ſo framed, that the motion thereof might have laſted a year, or ſome ſuch time as might give a reaſonable period for their philoſophical deſcanting concerning it, and that in the plain table there had been not only the deſcription and indication of hours, but the configurations and indications of eth various phaſes of the moon, the motion and

place of the ſun in the ecliptic, and divers other curious indications of celeſtial motions, and that the ſcholars of the ſeveral ſchools, of Epicurus, of Ariſtotle, of Plato, and the reſt of thoſe philoſophical ſects, had caſually in their walk, found this admirable Automaton; what kind of work would there have been made by every ſect, in giving an account of this phenomenon? We ſhould have had the Epicurean ſect, have told the byſtanders according to their pre-conceived hypotheſis, that this was nothing elſe but an accidental concretion of atoms, that happily fallen together had made up the index, the wheels, and the ballance, and that being happily fallen into this poſture, they were put into motion. Then the Carteſian falls in with him, as to the main of their ſuppoſition, but tells him, that he doth not ſufficiently explicate how the engine is put into motion and therefore to furniſh this motion, there is a certain *materia ſubtilis* that pervades this engine, and the moveable parts, conſiſting of certain globular atoms apt for motion; they are thereby, and by the mobility of the globular atoms put into motion. A third finding fault with the two former, becauſe theſe motions are ſo regular, and do expreſs the various phenomena of the diſtribution of time, and of the heavenly motions; therefore it ſeems to him, that this engine and motion alſo, ſo analogical to the motions of the heavens, was wrought by ſome admirable conjunction of the heavenly bodies, which formed this inſtrument and its motions, in ſuch an admirable correſpondency to its own exiſtence. A fourth, diſliking the ſuppoſitions of the three former, tells the reſt, that

he hath a more plain and evident ſolution of the phenomenon, namely, the univerſal ſoul of the world or Spirit of nature, that formed ſo many ſorts of inſects with ſo many organs, faculties, and ſuch congruity of their whole compoſition, and ſuch curious and various motions as we may obſerve in them, hath formed and ſet into motion this admirable Automaton and regulated and ordered it, with all theſe congruities we ſee in it. Then ſteps in an Ariſtotelian, and being diſſatisfied with all the former ſolutions, tells them, Gentlemen, you are all miſtaken, your ſolutions are inexplicable and unſatisfactory, you have taken up certain precarious hypotheſis, and being prepoſſeſſed with theſe creatures of your own fancies, and in love with them, right or wrong, you form all your conceptions of things according to thoſe fancied and pre-conceived imaginations. The ſhort of the buſineſs is this machina is eternal; and ſo are all the motions of it, and in as much as a circular motion hath no beginning or end, this motion that you ſee both in the wheels and index, and the ſucceſſive indications of the celeſtial motions, is eternal, and without beginning. And this is a ready and expedite way of ſolving the phenomena, without ſo much ado as you have made about it.

And whilſt all the maſters were thus contriving, the ſolution of the phenomenon, in the hearing of the Artiſt that made it, and when they had all ſpent their philoſophizing upon it, the Artiſt that made this engine, and all this while liſtened to their admirable fancies, tells them, Gentlemen, you have diſcovered very much excellency of in-

vention touching this piece of work that is before you, but you are all miſerably miſtaken: for it was I that made this watch, and brought it hither, and I will ſhew you how I made it. Firſt, I wrought the ſpring, and fuſee; and the wheels, and the ballance, and the caſe and table; I fitted them one to another, and placed theſe ſeveral axes that are to direct the motions, of the index to diſcover the hour of the day, of the figure that diſcovers the phaſes of the moon, and the other various motions that you ſee; and then I put it together, and wound up the ſpring, which hath given all theſe motions, that you ſee in this curious piece of work, and that you may be ſure I tell you true, I will tell you the whole order and progreſs of my making, diſpoſing and ordering of this piece of work; the ſeveral materials of it, the manner of the forming of every individual part of it, and how long I was about it. This plain and evident diſcovery renders all thoſe excogitated hypotheſis of thoſe philoſophical enthuſiaſts vain and ridiculous, without any great help of rhetorical flouriſhes, or logical confutations. And much of the ſame nature is that diſparity of the hypotheſis of the learned philoſophers in relation to the origination of the world and man after a great deal of duſt raiſed, and fanciful explications and unintelligible hypotheſis: The plain, but divine narrative by the hand of Moſes, full of ſenſe, and congruity, and clearneſs, and reaſonableneſs in itſelf, does at the ſame moment give us a true and clear diſcovery of this great myſtery, and renders all the eſſays of the generality of the Heathen philoſophers to be vain, inevident, and indeed inexplica-

ble theories, the creatures of fancy, and imagination and nothing elſe.]

As for his virtues, they have appeared ſo conſpicuous in all the ſeveral tranſactions and turns of his life, that it may ſeem needleſs to add any more of them than has been already related, but there are many particular inſtances which I knew not how to fit to the ſeveral years of his life, which will give us a clearer and better view of him.

He was a devout Chriſtian, a ſincere Proteſtant, and a true ſon of the church of England; moderate towards Diſſenters, and juſt even to thoſe from whom he differed moſt; which appeared ſignally in the care he took of preſerving the Quakers, from that miſchief that was like to fall on them, by declaring their marriages void, and ſo baſtarding their children; but, he conſidered marriage and ſucceſſion as a right of nature, from which none ought to be barred what miſtake ſoever they might be under, in the points of revealed religion. And therefore in a trial that was before him, when a Quaker was ſued for ſome debts owing by his wife before he married her, and the Quakers counſel pretended, that it was no marriage that had paſt between them, ſince it was not ſolemnized according to the rules of the church of England; he declared that he was not willing on his own opinion to make their children baſtards and gave directions to the Jury to find it ſpecial. It was a reflection on the whole party, that one of them to avoid an inconvenience he had fallen in, thought to have preſerved himſelf by a defence, that if it had been allowed in law, muſt have made their whole iſſue baſtards, and incapable of ſucceſſion

and for all their pretended friendſhip to one another, if this judge had not been more their friend, then one of thoſe they ſo called, their poſterity had been little obliged to them. But he governed himſelf indeed by the law of the goſpel of *doing to others, what he would have others do to him*, and therefore becauſe he would have thought it a hardſhip not without cruelty if amongſt Papiſts all marriages were nulled which had not been made with all the ceremonies in the Roman ritual, ſo he applying this to the caſe of the Sectaries, he thought all marriages made according to the ſeveral perſuaſions of men, ought to have their effects in law.

He uſed conſtantly to worſhip God in his family, performing it always himſelf, if there was no Clergyman preſent: But as to his private exerciſes in devotion. He took that extraordinary care to keep what he did ſecret, that this part of his character muſt be defective, except it be acknowledged that his humility in covering it, commends him much more than the higheſt expreſſions of devotion could have done.

From the firſt time that the impreſſions of religion ſettled deeply in his mind, he uſed great caution to conceal it: not only in obedience to the rules given by our Saviour, of *faſting, praying and giving alms in ſecret;* but from a particular diſtruſt he had of himſelf, for he ſaid he was afraid, he ſhould at ſome time or other, do ſome enormous things, which if he were looked on as a very religious man, might caſt a reproach on the profeſſion of it, and give great advantages to impious men, to blaſpheme the name of God: But a tree

is known by its fruit and he lived not only free of blemiſhes, or ſcandal, but ſhined in all the parts of his converſation: and perhaps the diſtruſt he was in of himſelf contributed not a little to the purity of his life; for he being thereby obliged to be more watchful over himſelf, and to depend more on the aids of the Spirit of God, no wonder if that humble temper produced thoſe excellent effects in him.

He had a ſoul enlarged and raiſed above that mean appetite of loving money, which is generally the root of all evil. He did not take the profits that he might have had by his practice, for in common caſes, when thoſe who came to aſk his counſel gave him a piece, he uſed to give back the half, and ſo made ten ſhillings his fee, in ordinary matters that did not require much time or ſtudy: if he ſaw a cauſe was unjuſt, he for a great while would not meddle further in it, but to give his advice that it was ſo; if the parties after that, would go on, they were to ſeek another counſellor; for he would aſſiſt none in acts of injuſtice: if he found the cauſe doubtful or weak in point of law, he always adviſed his clients to agree their buſineſs: yet afterwards he abated much of the ſcrupuloſity he had about cauſes that appeared at firſt view unjuſt, upon this occaſion: there were two cauſes brought to him, which by the ignorance of the party or their attorney, were ſo ill repreſented to him, that they ſeemed to be very bad, but he enquiring more narrowly into them, found they were really very good and juſt; ſo after this he ſlackened much of his former ſtrict-

neſs of refuſing to meddle in cauſes upon the ill circumſtances that appeared in them at firſt.

In his pleading he abhorred thoſe two common faults of miſreciting evidences, quoting precedents, or books falſly, or aſſerting things confidently; by which ignorant Juries, or weak Judges, are too often wrought on. He pleaded with the ſame ſincerity that he uſed in other parts of his life, and uſed to ſay "was as great a diſhonour as a man was capable of, that for a little money he was to be hired to ſay or do otherwiſe than as he thought." All this he aſcribed to the unmeaſurable deſires of heaping up wealth, which corrupted the ſouls of ſome that ſeemed to be otherwiſe born and made for great things. When he was a practitioner, differences were often referred to him which he ſettled, but would accept of no reward for his pains, though offered by both parties together, after the agreement was made; for he ſaid "on thoſe caſes he was made Judge, and a Judge ought to take no money." If they told him, "he loſt much of his time in conſidering their buſineſs, and ſo ought to be acknowledged for it;" his anſwer was (as one that heard it told me,) "Can I ſpend my time better, than to make people friends, muſt I have no time allowed me to do good in."

He was naturally a quick man, yet by much practice on himſelf, he ſubdued that to ſuch a degree that he would never run ſuddenly into any concluſion concerning any matter of importance. *Feſtina lente* was his beloved motto, which he ordered to be engraven on the head of his ſtaff, and was often heard ſay, "that he had obſerved many

witty men run into great errors, becauſe they did not give themſelves time to think, but the heat of imagination making ſome notions appear in good colours to them, they without ſtaying till that cooled, were violently led by the impulſe it made on them, whereas calm and ſlow men, who paſs dull in the common eſtimation, could ſearch after truth and find it out, as with more deliberation, ſo with greater certainty.

He laid aſide the tenth penny of all he got for the poor, and took great care to be well informed of proper objects for his charities; and after he was a Judge, many of the perquiſites of his place, as his dividend of the rule and box money; was ſent by him to the jails to diſcharge poor priſoners, who never knew from whoſe hands their relief came. It is alſo a cuſtom for the Marſhal of the king's bench, to preſent the Judges of that court with a piece of plate for a New-years-gift, that for the Chief Juſtice being larger than the reſt: this he intended to have refuſed, but the other Judges told him it belonged to his office, and the refuſing it would be a prejudice to his ſucceſſors, ſo he was perſuaded to take it: but he ſent word to the Marſhal "that inſtead of plate, he ſhould bring him the value of it in money;" and when he received it, he immediately ſent it to the priſons, for the relief and diſcharge of the poor there. He uſually invited his poor neighbours to dine with him, and made them ſit at table with himſelf. And if any of them were ſick, ſo that they could not come, he would ſend meat warm to them from his table: and he did not only relieve the poor in his own pariſh, but ſent ſupplies

to the neighbouring parishes, as there was occasion for it. And he treated them all with the tenderness and familiarity that became one who considered they were of the same nature with himself, and were reduced to no other necessities but such as he himself might be brought to: but for common beggars, if any of these came to him, as he was in his walks, when he lived in the country, he would ask such as were capable of working, "why they went about so idly?" If they answered, "it was because they could find no work;" he often sent them to some field, to gather all the stones in it, and pay them liberally for their pains: this being done, he used to send his carts, and caused them to be carried to such places of the highway as needed mending.

But when he was in town, he dealt his charities very liberally, even among the street beggars, and when some told him, "that he thereby encouraged idleness, and that most of these were notorious cheats," he used to answer, "that he believed most of them were such, but among them there were some that were great objects of charity, and pressed with grievous necessities: and that he had rather give his alms to twenty who might be perhaps rogues, then that one of the other sort should perish for want of that small relief which he gave them."

He loved building much, which he affected chiefly because it employed many poor people; but one thing was observed in all his buildings that the changes he made in his house, was always from magnificence to usefulness, for he avoided every thing that looked like pomp or vanity, even

in the walls of his houſes: he had good judgment in architecture, and an excellent faculty in contriving well.

He was a gentle landlord to all his tenants, and was ever ready upon any reaſonable complaints, to make abatements, for he was merciful as well as righteous. One inſtance of this was, of a widow that lived in London, and had a ſmall eſtate near his houſe in the country: from which her rents were ill returned to her, and at a coſt which ſhe could not well bear: ſo ſhe bemoaned herſelf to him, and he according to his readineſs to aſſiſt all poor people, told her, "he would order his ſteward to take up her rents, and the returning them ſhould coſt her nothing." But after that when there was a falling of rents in that country, that it was neceſſary to make abatements to the tenant; yet he would have it to lie on himſelf; and made the widow be paid her rent as formerly.

Another remarkable inſtance of his juſtice and goodneſs was, that when he found ill money had been put into his hands, he would never ſuffer it to be vended again; for he thought it was no excuſe for him to put falſe money in other people's hands, becauſe ſome had put it in his: a great heap of this he had gathered together, for many had ſo far abuſed his goodneſs, as to mix baſe money among the fees that were given him: It is like he intended to have deſtroyed it, but ſome thieves who had obſerved it, broke into his chamber and ſtole it, thinking they had got a prize; which he uſed to tell with ſome pleaſure, imagining how they found themſelves deceived, when

they perceived what ſort of booty they had fallen on.

After he was made a Judge, he would needs pay more for every purchaſe he made than it was worth; if it had been but a horſe he was to buy, he would have out-bid the price: and when ſome repreſented to him, "that he made ill bargains," he ſaid, "it became Judges to pay more for what they bought, than the true value; that ſo thoſe with whom they dealt might not think they had any right to their favour, by having ſold ſuch things to them at an eaſy rate:" and ſaid it was ſuitable to the reputation, which a Judge ought to preſerve, to make ſuch bargains, that the world might ſee they were not too well uſed upon ſome ſecret account.

In ſum, his eſtate did ſhew how little he had minded the raiſing a great fortune, for from a hundred pound a year, he raiſed it not quite to nine hundred, and of this a very conſiderable part came in by his ſhare of Mr. Selden's eſtate; yet this, conſidering his great practice while a counſellor, and his conſtant, frugal and modeſt way of living, was but a ſmall fortune: in the ſhare that fell to him by Mr. Selden's will, one memorable thing was done by him, with the other executors, by which they both ſhewed their regard to their dead friend, and their love of the public; his library was valued at ſome thouſands of pounds, and was believed to be one of the moſt curious collections in Europe: ſo they reſolved to keep this entire, for the honour of Selden's memory, and gave it to the univerſity of Oxford, where a noble room was added to the former library for

the next day, leaſt when his diſpleaſure was quick upon him, he might have chid them indecently; and when he did reprove them, he did it with that ſweetneſs and gravity; that it appeared he was more concerned for their having done a fault, than for the offence given by it to himſelf: but if they became immoral or unruly, then he turned them away, for he ſaid, "he that by his place ought to puniſh diſorders in other people, muſt by no means ſuffer them in his own houſe:" he advanced his ſervants according to the time they had been about him, and would never give occaſion to envy among them, by raiſing the younger clerks above thoſe who had been longer with him. He treated them all with great affection, rather as a friend, than a maſter, giving them often good advice and inſtruction. He made thoſe who had good places under him, give ſome of their profits to the other ſervants who had nothing but their wages: when he made his will, he left legacies to every one of them; but he expreſſed a more particular kindneſs for one of them Robert Gibbon, of the middle Temple, Eſq.; in whom he had that confidence, that he left him one of his executors. I the rather mention him, becauſe of his noble gratitude to his worthy benefactor and maſter, for he has been ſo careful to preſerve his memory, that as he ſet thoſe on me, at whoſe deſire I undertook to write his life; ſo he has procured for me a great part of thoſe memorials, and informations, out of which I have compoſed it.

The Judge was of a moſt tender and compaſſionate nature; this did eminently appear in his trying and giving ſentence upon criminals, in

which he was ſtrictly careful, that not a circumſtance ſhould be neglected, which might any way clear the fact: he behaved himſelf with that regard to the priſoners, which became both the gravity of a Judge, and the pity that was due to men, whoſe lives lay at ſtake, ſo that nothing of jearing or unreaſonable ſeverity ever fell from him. He alſo examined the witneſſes in the ſofteſt manner, taking care that they ſhould be put under no confuſion, which might diſorder their memory: and he ſummed all the evidence ſo equally when he charged the Jury, that the criminals themſelves never complained of him. When it came to him to give ſentence, he did it with that compoſedneſs and decency, and his ſpeeches to the priſoners, directing them to prepare for death, were ſo weighty, ſo free of all affectation, and ſo ſerious and devout, that many loved to go to the trials, when he ſat Judge, to be edified by his ſpeeches, and behaviour in them, and uſed to ſay, "they heard very few ſuch ſermons."

But, though the pronouncing the ſentence of death, was the piece of his employment, that went moſt againſt the grain with him; yet in that, he could never be mollified to any tenderneſs which hindered juſtice. When he was once preſſed to recommend ſome (whom he had condemned) to his Majeſty's mercy and pardon; he anſwered he could not think they deſerved a pardon, whom he himſelf had adjudged to die: ſo that all he would do in that kind, was to give the king a true account of the circumſtances of the fact; after which his Majeſty was to conſider whether he would interpoſe his mercy, or let juſtice take place.

His mercifulneſs extended even to his beaſts, for when the horſes that he had kept long, grew old, he would not ſuffer them to be ſold, or much wrought, but ordered his men to turn them looſe on his grounds, and put them only to eaſy work, ſuch as going to market and the like; he uſed old dogs alſo with the ſame care: his ſhepherd having one that was become blind with age, he intended to have killed or loſt him, but the Judge coming to hear of it, made one of his ſervants bring him home, and fed him till he died: and he was ſcarce ever ſeen more angry than with one of his ſervants for neglecting a bird, that he kept, ſo that it died for want of food.

He was a great encourager of all young perſons, that he ſaw followed their books diligently, to whom he uſed to give directions concerning the method of their ſtudy, with a humanity and ſweetneſs, that wrought much on all that came near him: and in a ſmiling pleaſant way, he would admoniſh them, if he ſaw any thing amiſs in them: particularly if they went too fine in their clothes, he would tell them, "it did not become their profeſſion:" he was not pleaſed to ſee ſtudents wear long perriwigs, or attornies go with ſwords; ſo that ſuch young men as would not be perſuaded to part with thoſe vanities, when they went to him laid them aſide, and went as plain as they could, to avoid the reproof which they knew they might otherwiſe expect.

He was very free and communicative in his diſcourſe, which he moſt commonly fixed on ſome good and uſeful ſubject, and loved for an hour or two at night, to be viſited by ſome of his friends.

He neither ſaid nor did any thing with affectation, but uſed a ſimplicity, that was both natural to himſelf, and very eaſy to others: and though he never ſtudied the modes of civility or court breeding, yet he knew not what it was to be rude or harſh with any, except he were impertinently addreſſed to in matters of juſtice, then he would raiſe his voice a little, and ſo ſhake off thoſe importunities.

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Having loſt one of his ſons, the manner of whoſe death had ſome grievous circumſtances in it; one coming to ſee him and condole, he ſaid to him "thoſe were the effects of living long, ſuch muſt look to ſee many ſad and unacceptable things;" and having ſaid that, he went to other diſcourſes with his ordinary freedom of mind; for though he had a temper ſo tender, that ſad things were apt enough to make deep impreſſions upon him, yet the regard he had to the wiſdom and providence of God, and the juſt eſtimate he made of all eternal things, did to admiration maintain the tranquillity of his mind, and he gave no occaſion by idleneſs to melancholy to corrupt his ſpirit, but by the perpetual bent of his

His mercifulneſs extended even to his beaſts, for when the horſes that he had kept long, grew old, he would not ſuffer them to be ſold, or much wrought, but ordered his men to turn them looſe on his grounds, and put them only to eaſy work, ſuch as going to market and the like; he uſed old dogs alſo with the ſame care: his ſhepherd having one that was become blind with age, he intended to have killed or loſt him, but the Judge coming to hear of it, made one of his ſervants bring him home, and fed him till he died: and he was ſcarce ever ſeen more angry than with one of his ſervants for neglecting a bird, that he kept, ſo that it died for want of food.

He was a great encourager of all young perſons, that he ſaw followed their books diligently, to whom he uſed to give directions concerning the method of their ſtudy, with a humanity and ſweetneſs, that wrought much on all that came near him: and in a ſmiling pleaſant way, he would admoniſh them, if he ſaw any thing amiſs in them: particularly if they went too fine in their clothes, he would tell them, "it did not become their profeſſion:" he was not pleaſed to ſee ſtudents wear long perriwigs, or attornies go with ſwords; ſo that ſuch young men as would not be perſuaded to part with thoſe vanities, when they went to him laid them aſide, and went as plain as they could, to avoid the reproof which they knew they might otherwiſe expect.

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thoughts, he knew well how to divert them from being oppreſſed with the exceſſes of ſorrow.

He had a generous and noble idea of God in his mind, and this he found did above all other conſiderations preſerve his quiet. And indeed that was ſo well eſtabliſhed in him, that no accidents, how ſudden ſoever, were obſerved to diſcompoſe him: of which an eminent man of that profeſſion, gave me this inſtance: in the year 1666, an opinion did run through the nation, "that the end of the world would come that year." This, whether ſet on by aſtrologers, or advanced by thoſe who thought it might have ſome relation to the number of the beaſt in the Revelation, or promoted by men of ill deſigns, to diſturb the public peace, had ſpread mightily among the people; and Judge Hale going that year the weſtern circuit, it happened, that as he was on the bench at the aſſizes, a moſt terrible ſtorm fell out very unexpectedly, accompanied with ſuch flaſhes of lightning, and claps of thunder, that the like will hardly fall out in an age; upon which a whiſper or a rumour run through the crowd, "that now was the world to end, and the day of judgment to begin," and at this there followed a general conſternation in the whole aſſembly, and all men forgot the buſineſs they were met about, and betook themſelves to their prayers: this added to the horror raiſed by the ſtorm looked very diſmally; inſomuch that my author, a man of no ordinary reſolution, and firmneſs of mind; confeſſed "it made a great impreſſion on himſelf." But he told me, "that he did obſerve the Judge was not a whit affected, and was going on with

the buſineſs of the court in his ordinary manner;" from which he made this concluſion, "that his thoughts were ſo well fixed, that he believed if the world had been really to end, it would have given him no conſiderable diſturbance."

But I ſhall now conclude all that I ſhall ſay concerning him, with what one of the greateſt men of the profeſſion of the law, ſent me as an abſtract of the character he had made of him; upon long obſervation and much converſe with him: it was ſent me, that from thence with the other materials, I might make ſuch a repreſentation of him to the world, as he indeed deſerved, but I reſolved not to ſhred it out in parcels, but to ſet it down entirely as it was ſent me, hoping that as the reader will be much delighted with it, ſo the noble perſon that ſent it, will not be offended with me for keeping it entire, and ſetting it in the beſt light I could; it begins abruptly, being deſigned to ſupply the defects of others, from whom I had earlier and more copious informations.

"He would never be brought to diſcourſe of public matters in private converſation, but in queſtions of law, when any young lawyer put a caſe to him he was very communicative, eſpecially while he was at the bar: but when he came to the bench, he grew more reſerved, and would never ſuffer his opinion in any caſe to be known, till he was obliged to declare it judicially; and he concealed his opinion in great caſes ſo carefully, that the reſt of the Judges in the ſame court could never perceive it: his reaſon was, becauſe every Judge ought to give ſentence according to his own

in the walls of his houſes: he had good judgment in architecture, and an excellent faculty in contriving well.

He was a gentle landlord to all his tenants, and was ever ready upon any reaſonable complaints, to make abatements, for he was merciful as well as righteous. One inſtance of this was, of a widow that lived in London, and had a ſmall eſtate near his houſe in the country: from which her rents were ill returned to her, and at a coſt which ſhe could not well bear: ſo ſhe bemoaned herſelf to him, and he according to his readineſs to aſſiſt all poor people, told her, "he would order his ſteward to take up her rents, and the returning them ſhould coſt her nothing." But after that when there was a falling of rents in that country, that it was neceſſary to make abatements to the tenant; yet he would have it to lie on himſelf; and made the widow be paid her rent as formerly.

Another remarkable inſtance of his juſtice and goodneſs was, that when he found ill money had been put into his hands, he would never ſuffer it to be vended again; for he thought it was no excuſe for him to put falſe money in other people's hands, becauſe ſome had put it in his: a great heap of this he had gathered together, for many had ſo far abuſed his goodneſs, as to mix baſe money among the fees that were given him: It is like he intended to have deſtroyed it, but ſome thieves who had obſerved it, broke into his chamber and ſtole it, thinking they had got a prize; which he uſed to tell with ſome pleaſure, imagining how they found themſelves deceived, when

they perceived what ſort of booty they had fallen on.

After he was made a Judge, he would needs pay more for every purchaſe he made than it was worth; if it had been but a horſe he was to buy, he would have out-bid the price: and when ſome repreſented to him, "that he made ill bargains," he ſaid, "it became Judges to pay more for what they bought, than the true value; that ſo thoſe with whom they dealt might not think they had any right to their favour, by having ſold ſuch things to them at an eaſy rate:" and ſaid it was ſuitable to the reputation, which a Judge ought to preſerve, to make ſuch bargains, that the world might ſee they were not too well uſed upon ſome ſecret account.

In ſum, his eſtate did ſhew how little he had minded the raiſing a great fortune, for from a hundred pound a year, he raiſed it not quite to nine hundred, and of this a very conſiderable part came in by his ſhare of Mr. Selden's eſtate; yet this, conſidering his great practice while a counſellor, and his conſtant, frugal and modeſt way of living, was but a ſmall fortune: in the ſhare that fell to him by Mr. Selden's will, one memorable thing was done by him, with the other executors, by which they both ſhewed their regard to their dead friend, and their love of the public; his library was valued at ſome thouſands of pounds, and was believed to be one of the moſt curious collections in Europe: ſo they reſolved to keep this entire, for the honour of Selden's memory, and gave it to the univerſity of Oxford, where a noble room was added to the former library for

ſumming up of an evidence to a Jury, he would always require the bar to interrupt him if he did miſtake, and to put him in mind of it, if he did forget the leaſt circumſtance; ſome Judges have been diſturbed at this as a rudeneſs; which he always looked upon as a ſervice and reſpect due to him.

"His whole life was nothing elſe but a continual courſe of labour and induſtry, and when he could borrow any time from the public ſervice, it was wholly employed either in philoſophical or divine meditations, and even that was a public ſervice too as it hath proved; for they have occaſioned his writing of ſuch treatiſes, as are become the choiceſt entertainment of wiſe and good men, and the world hath reaſon to wiſh that more of them were printed: he that conſiders the active part of his life, and with what unwearied diligence and application of mind, he diſpatched all men's buſineſs which came under his care, will wonder how he could find any time for contemplation: he that conſiders again the various ſtudies he paſſed through, and the many collections and obſervations he hath made, may as juſtly wonder how he could find any time for action: but no man can wonder at the exemplary piety and innocence of ſuch a life ſo ſpent as this was, wherein as he was careful to avoid every idle word, ſo it is manifeſt he never ſpent an idle day. They who came far ſhort of this great man, will be apt enough to think that this is a panegyric, which indeed is a hiſtory and but a little part of that hiſtory which was with great truth to be re[illegible] of him: men who deſpair of attaining ſuch

perfection, are not willing to believe that any man else did ever arrive at such a height.

"He was the greatest lawyer of the age, and might have had what practice he pleased: but though he did most conscientiously affect the labours of his profession, yet at the same time, he despised the gain of it, and of those profits which he would allow himself to receive, he always set apart a tenth penny for the poor, which he ever dispensed with that secrecy, that they who were relieved, seldom or never knew their benefactor: he took more pains to avoid the honours and preferments of the gown, than others do to compass them. His modesty was beyond all example, for where some men who never attained to half his knowledge, have been puffed up with a high conceit of themselves, and have affected all occasions of raising their own esteem by depreciating other men, he on the contrary was the most obliging man that ever practised: if a young gentleman happened to be retained to argue a point in law, where he was on the contrary side, he would very often mend the objections when he came to repeat them; and always commend the gentleman if there were room for it, and one good word of his was of more advantage to a young man, than all the favour of the court could be."

Having thus far pursued his history and character, in the public and exemplary parts of his life, without interrupting the thread of the relation with what was private and domestic, I shall conclude with a short account of these.

He was twice married, his first wife was Ann daughter of Sir Henry Moor, of Faly in Berkshire, grandchild to Sir Francis Moor, ſer eant at law; by her he had ten children, the four firſt died young, the other ſix lived to be all married; and he outlived them all, except his eldeſt daughter, and his youngeſt ſon, who are yet alive.

His eldeſt ſon Robert married Frances the daughter of Sir Francis Chock, of Avington in Berkſhire, and they both dying a little time one after another, left five children, two ſons Matthew and Gabriel, and three daughters, Ann, Mary and Frances, and by the judges advice, they both made him their executor, ſo he took his grandchildren into his own care, and among them he left his eſtate.

His ſecond ſon Matthew, married Ann the daughter of Mr. Matthew Simmonds of Hilſley in Gloceſterſhire, who died ſoon after, and left one ſon behind him named Matthew.

His third ſon Thomas married Rebekah, the daughter of Chriſtian Le Brune, a Dutch merchant, and died without iſſue.

His fourth ſon Edward; married Mary, the daughter of Edward Goodyere, Eſq; of Heythorp, in Oxfordſhire, and ſtill lives, he has two ſons, and three daughters.

His eldeſt daughter Mary, was married to Edward Alderly, ſon of Edward Alderly of Inniſhannon, in the County of Cork in Ireland, who dying, left her with two ſons and three daughters; ſhe is ſince married to Edward Stephens, ſon to Edward Stephens Eſq; of Cherington in Gloceſterſhire. His youngeſt daughter Elizabeth,

was married to Edward Webb, Esq; barrister at law, she died leaving two children, a son and a daughter.

His second wife was Ann, the daughter of Mr. Joseph Bishop of Ely in Berkshire, by whom he had no children; he gives her a great character in his will, as a most dutiful, faithful and loving wife, and therefore trusted the breeding of his grandchildren to her care, and left her one of his executors, to whom he joined Sir Robert Jenkinson, and Mr. Gibbon. So much may suffice of those descended from him.

In after times, it is not to be doubted but it will be reckoned no small honour to derive from him; and this has made me more particular in reckoning up his issue, I shall next give an account of the issues of his mind, his books that are either printed, or remain in manuscript; for the last of these, by his will, he has forbid the printing of any of them after his death, except such as he should give order for in his life: but he seems to have changed his mind afterwards; and to have left it to the discretion of his executors, which of them might be printed; for though he does not express that, yet he ordered by a codicil, that if any book of his writing as well touching the common law, as other subjects should be printed; then what should be given for the consideration of the copy, should be divided into ten shares, of which he appointed seven to go among his servants, and three to those who had copied them out, and were to look after the impression. The reason as I have understood it, that made him so unwilling to have

any of his works printed after his death, was, tha he apprehended in the licenſing them, (which wa neceſſary before any book could be lawfully print ed by a law then in force, but ſince his death de termined) ſome things might have been ſtruck out or altered; which he had obſerved not with out ſome indignation, had been done to a part o the reports, of one whom he had much eſteemed.

This in matters of law, he ſaid, might prove to be of ſuch miſchievous conſequence, that he there upon reſolved none of his writings, ſhould be at the mercy of licenſers; and therefore becauſe he was not ſure that they ſhould be publiſhed without expurgations or interpolations, he forbid the print ing any of them; in which he afterwards made ſome alteration, at leaſt he gave occaſion by his codicil, to infer that he altered his mind.

This I have the more fully explained, that his laſt will may be no way miſunderſtood, and that his worthy executors, and his hopeful grandchil dren, may not conclude themſelves to be under an indiſpenſible obligation, of depriving the public of his excellent writings.

A Catalogue of Books written by Sir Matthew Hale.

1. THE primitive Origination of Mankind, conſidered and examined according to the light of nature, fol.
2. Contemplations moral and divine, part 1. 8vo.
3. Contemplations moral and divine, part 2. 8vo.
4. Difficiles Nugæ, or obſervations touching the Torricellian experiment, and the various ſolutions of the ſame, eſpecially touching the weight and Elaſticity of the air, 8vo.
5. An Eſſay touching the gravitation, or non-gravitation of fluid bodies, and the reaſons thereof, 8vo.
6. Obſervations touching the principles of natural motions, and eſpecially touching rarefaction, and condenſation; together with a reply to certain remarks touching the gravitation of fluids, 8vo.
7. The life and death of Pomponias Atticus, written by his contemporary and acquaintance Cornelius Nepos, tranſlated out of his fragments; together with obſervations political and moral thereupon, 8vo.
8. Pleas of the crown, or a methodical ſummary of the principal matters relating to that ſubject, 8vo.

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Having lost one of his sons, the manner of whose death had some grievous circumstances in it; one coming to see him and condole, he said to him "those were the effects of living long, such must look to see many sad and unaccept- able things;" and having said that, he went to other discourses with his ordinary freedom of mind; for though he had a temper so tender, that sad things were apt enough to make deep impres- sions upon him, yet the regard he had to the wis- dom and providence of God, and the just estimate he made of all eternal things, did to admiration maintain the tranquillity of his mind, and he gave no occasion by idleness to melancholy to corrupt his spirit, but by the perpetual bent of his

To theſe I ſhall add the catalogue of the manuſcripts, which he left to the Honourable Society of Lincolns-Inn, with that part of his Will that concerns them.

ITEM, as a teſtimony of my honour and reſpect to the ſociety of Lincolns-Inn, where I had the greateſt of my education; I give and bequeath to that honourable ſociety the ſeveral manuſcript books, contained in a ſchedule annexed to my Will: They are a treaſure worth having and keeping, which I have been near forty years in gathering, with very great induſtry and expence: My deſire is, that they be kept ſafe, and all together in remembrance of me; they were fit to be bound in leather and chained, and kept in archives: I deſire they may not be lent out, or diſpoſed of: only if I happen hereafter, to have any of my poſterity of that ſociety that deſires to tranſcribe any book and give very good caution to reſtore it again in a prefixed time, ſuch as the benchers of that ſociety in council ſhall approve of; then, and not otherwiſe, only one book at one time may be lent out to them by the ſociety ſo that there be no more but one book of thoſe books abroad out of the library at one time. They are a treaſure that are not fit for every mans view; nor is every man capable of making uſe of them: Only I would have nothing of theſe books printed, but entirely preſerved together, for the uſe of the induſtrious learned members of that ſociety.

A Catalogue of the Books given by him to Lincolns-Inn, according to the Schedule annexed to his Will.

PLACITA de tempore Regis Johannis, 1 vol. ſtitched.

Placita coram Rege E. 1. two vol.

Placita coram Rege E. 2, one vol.

Placita coram Rege E. 3, three vol.

Placita coram Rege R. 2, one vol.

Placita coram Rege H. 4. H. 5. one vol.

Placita de Banco, E. 1. ab anno 1, ad annum 21. one vol.

Tranſcripts of many pleas, coram Rege et de banco E. 1. one vol.

The pleas in the exchequer, ſtiled Communia, from 1 E. 3. to 46. E. 3, 5. vol.

Cloſe rolls of king John, verbatim, of the moſt material things, one vol.

The principal matters in the cloſe and patent rolls of H. 3. tranſcribed verbatim, from 9 H. 3. to 56 H. 3, 5 vol. vellum marked K. L.

The principal matters in the cloſe and patent rolls, E. 1. with ſeveral copies and abſtracts of records, one vol. marked F.

A long book of abſtracts of records, by me.

Cloſe and patent rolls, from 1 to E. 3. and other records of the time of H. 3. one vol. marked W.

Cloſe Rolls of 15 E. 3. with other records, one vol. marked N.

Cloſe Rolls from 17 to 38 E. 3. two vol.
Cloſe and patent Rolls from 40. E. 3. to 50. E. 3. one vol. marked B.
Cloſe Rolls of E. 2. with other records, one vol. R.
Cloſe and patent rolls, and charter rolls in the time of king John for the clergy, one vol.
A great volume of records of ſeveral natures, G.
The Leagues of the kings of England, tempore E. 1. E. 2. E. 3. one vol.
A book of antient leagues and military proviſions, one vol.
The reports of Iters, of Derby, Nottingham and Bedford, tranſcribed, one vol.
Itenera Foreſt de Pickering et Lancaſter, tranſcript ex originali, one vol.
An ancient reading very large upon charta de foreſta, and of the foreſt laws.
The tranſcript of the Iter Foreſta de dean, 1 vol.
Quo warranto and liberties of the county of Gloceſter, with the pleas of the chace of Kingswood, one vol.
Tranſcript of the black-book of the admiralty, laws of the army, impoſitions and ſeveral honours; one vol.
Records of patents, inquiſitions, &c. of the county of Leiceſter, one vol.
Muſter and military proviſions of all ſorts, extracted from the records, one vol.
Gervaſius Tilburienſis, or the black book of the exchequer, one vol.

The kings title to the pre-emption of Tin, a thin vol.

Calender of the records in the tower, a ſmall vol.
A Miſcellany of divers records, orders, and other things of various natures, marked E. 1 vol.
Another of the like nature in leather-cover, 1 vol.

A book of divers records and things relating to the Chancery, one vol.
Titles of honour and pedigrees, eſpecially touching Clifford, one vol.
Hiſtory of the marches of Wales collected by me, 1 vol.
Certain collections touching titles of honour, one vol.
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Extract of commiſſions tempore, H. 7. H. 8. R. and the proceedings in the court military, between Ray and Ramſey; one vol.
Petitions in parliament tempore, E. 1. E. 2. E. 3. H. 4. three vol.
Summons of parliament, from 49. H. 3. to 22. E. 4; in three vol.
The parliament rolls from the beginning of E. 1. to the end of R. 3. in 19. volumes, viz. one of E. 1. one of E. 2. with the ordinations, two of E. 3. three of R. 2. two of H. 4. two of H. 5. four of H. 6. three of E. 4. one of R. 3. all tranſcribed at large.
Mr. Elſings book touching proceedings in parliament, 1. vol.
Noye's collections touching the kings ſupplies, 1 vol. ſtitched.
A book of various collections out of records and

He was twice married, his firſt wife was An daughter of Sir Henry Moor, of Faly in Berk ſhire, grandchild to Sir Francis Moor, ſer eant at law; by her he had ten children, the four firſt died young, the other ſix lived to be all married and he outlived them all, except his eldeſt daugh ter, and his youngeſt ſon, who are yet alive.

His eldeſt ſon Robert married Frances the daughter of Sir Francis Chock, of Avington in Berkſhire, and they both dying a little time one after another, left five children, two ſons Matthew and Gabriel, and three daughters, Ann, Mary and Frances, and by the judges advice, they both made him their executor, ſo he took his grandchildren into his own care, and among them he left his eſtate.

His ſecond ſon Matthew, married Ann the daughter of Mr. Matthew Simmonds of Hilſley in Gloceſterſhire, who died ſoon after, and left one ſon behind him named Matthew.

His third ſon Thomas married Rebekah, the daughter of Chriſtian Le Brune, a Dutch merchant, and died without iſſue.

His fourth ſon Edward; married Mary, the daughter of Edward Goodyere, Eſq; of Heythorp, in Oxfordſhire, and ſtill lives, he has two ſons, and three daughters.

His eldeſt daughter Mary, was married to Edward Alderly, ſon of Edward Alderly of Inniſhannon, in the County of Cork in Ireland, who dying, left her with two ſons and three daughters; ſhe is ſince married to Edward Stephens, ſon to Edward Stephens Eſq; of Cherington in Gloceſterſhire. His youngeſt daughter Elizabeth,

Inquiſitiones de Legibus Walliæ, one vol. collections or records touching knighthood.
Titles of honour, Seldeni, one vol.
Mathematics and fortifications, one vol.
Proceſſus Curiæ militaris, one vol.
A book of honour ſtitched, one vol.
Extracts out of the regiſtry of Canterbury.
Copies of ſeveral records touching proceedings in the military court, 1 vol.
Abſtracts of ſummons and rolls of parliament, out of the book Dunelm, and ſome records alphabetically digeſted, one vol.
Abſtracts of divers records in the office of firſt fruits, one vol. ſtitched.
Mathematical and Aſtrological calculations, 1 vol.
A book of divinity.
Two large repoſitories of records, marked A. and B.

[*All thoſe above are in Folio.*]

The proceedings of the forreſts of Windſor, Dean and Eſſex, in quarto, one volume.

[*Thoſe that follow, are moſt of them in vellum or parchment.*]

Two books of old ſtatutes, one ending, H. 7. The other, 2. H. 5. with the ſums, in two vol.
Five laſt years of E. 2. one vol.
Reports tempore, E. 2. one vol.
The year book of R. 2. and ſome others, one vol.

any of his works printed after his death, was, that he apprehended in the licenſing them, (which was neceſſary before any book could be lawfully printed by a law then in force, but ſince his death determined) ſome things might have been ſtruck out or altered; which he had obſerved not without ſome indignation, had been done to a part of the reports, of one whom he had much eſteemed.

This in matters of law, he ſaid, might prove to be of ſuch miſchievous conſequence, that he thereupon reſolved none of his writings, ſhould be at the mercy of licenſers; and therefore becauſe he was not ſure that they ſhould be publiſhed without expurgations or interpolations, he forbid the printing any of them; in which he afterwards made ſome alteration, at leaſt he gave occaſion by his codicil, to infer that he altered his mind.

This I have the more fully explained, that his laſt will may be no way miſunderſtood, and that his worthy executors, and his hopeful grandchildren, may not conclude themſelves to be under an indiſpenſible obligation, of depriving the public of his excellent writings.

A Catalogue of Books written by Sir Matthew Hale.

1. The primitive Origination of Mankind, conſidered and examined according to the light of nature, fol.
2. Contemplations moral and divine, part 1. 8vo.
3. Contemplations moral and divine, part 2. 8vo.
4. Difficiles Nugæ, or obſervations touching the Torricellian experiment, and the various ſolutions of the ſame, eſpecially touching the weight and Elaſticity of the air, 8vo.
5. An Eſſay touching the gravitation, or non-gravitation of fluid bodies, and the reaſons thereof, 8vo.
6. Obſervations touching the principles of natural motions, and eſpecially touching rarefaction, and condenſation; together with a reply to certain remarks touching the gravitation of fluids, 8vo.
7. The life and death of Pomponias Atticus, written by his contemporary and acquaintance Cornelius Nepos, tranſlated out of his fragments; together with obſervations political and moral thereupon, 8vo.
8. Pleas of the crown, or a methodical ſummary of the principal matters relating to that ſubject, 8vo.

make it paſs down to the next with a clearer authority.

I ſhall purſue his praiſe no further in my own words, but ſhall add what the preſent lord Chancellor of England ſaid concerning him, when he delivered the commiſſion to the lord Chief Juſtice Rainsford, who ſucceeded him in that office, he began in this manner.

'The vacancy of the ſeat of the chief juſtice of this court, and that by a way and means ſo unuſual as the reſignation of him, that lately held it, and this too proceeding from ſo deplorable a cauſe, as the infirmity of that body, which began to forſake the ableſt mind that ever preſided here, hath filled the kingdom with lamentations, and given the king many and penſive thoughts, how to ſupply that vacancy again. And a little after ſpeaking to his ſucceſſor, he ſaid, the very labours of the place, and that weight and fatigue of buſineſs which attends it, are no ſmall diſcouragements; for what ſhoulders may not juſtly fear that burden which made him ſtoop that went before you? Yet I confeſs you have a greater diſcouragement than the mere burden of your place, and that is, the inimitable example of your laſt predeceſſor: *Oneroſum eſt ſuccedere bono Principi*, was the ſaying of him in the Panegyric; and you will find it ſo too that are to ſucceed ſuch a chief juſtice, of ſo indefatigable an induſtry, ſo invincible a patience, exemplary an integrity, and ſo magnanimous a contempt of worldly things, without which no man can be truly great; and to all this a man that was ſo abſolute a maſter of the ſcience of the law, and even of the moſt abſtruſe and hidden

parts of it, that one may truly ſay of his knowledge in the law, what St. Auguſtin ſaid of St. Jerom's knowledge in divinity,' *Quod Hieronimus neſcivit, nullus mortalium unquam ſcivit.* ' And therefore the king would not ſuffer himſelf to part with ſo great a man, till he had placed upon him all the marks of bounty and eſteem, which his retired and weak condition was capable of.'

To this high character, in which the expreſſions, as they well become the eloquence, of him who pronounced them, ſo they do agree exactly to the ſubject, without the abatements that are often to be made for rhetoric; I ſhall add that part of the lord Chief-Juſtice's anſwer, in which he ſpeaks of his predeceſſor.

——' A perſon in whom his eminent virtues, and deep learning, have long managed a conteſt for the ſuperiority, which is not decided to this day, nor will it ever be determined I ſuppoſe; which ſhall get the upper hand. A perſon that has ſat in this court many years, of whoſe actions there I have been an eye and ear witneſs, that by the greatneſs of his learning always charmed his auditors to reverence and attention: A perſon of whom I may boldly ſay, that as former times cannot ſhew any ſuperior to him, ſo I am confident ſucceeding and future will never ſhew any equal: theſe conſiderations heightened by what I have heard from your lordſhip concerning him, made me anxious and doubtful, and put me to a ſtand, how I ſhould ſucceed ſo able, ſo good, ſo great a man: It doth very much trouble me, that I who in compariſon of him am but like a candle lighted in the ſun-ſhine, or like a glow-worm at mid-

day, ſhould ſucceed ſo great a perſon, that is and will be ſo eminently famous to all poſterity: and I muſt ever wear this motto in my breaſt to comfort me, and in my actions to excuſe me,

Sequitur, quamvis non paſſibus æquis;

Thus were panegyrics made upon him while yet alive, in that fame court of juſtice which he had ſo worthily governed. As he was honoured while he lived, ſo he was much lamented when he died: And this will ſtill be acknowledged as a juſt inſcription for his memory, though his modeſty forbid any ſuch to be put on his tombſtone.

THAT HE WAS ONE OF THE GREATEST PATTERNS THIS AGE HAS AFFORDED, WHETHER IN HIS PRIVATE DEPORTMENT AS A CHRISTIAN, OR IN HIS PUBLIC EMPLOYMENTS, EITHER AT THE BAR OR ON THE BENCH.

A

DISCOURSE

OF

RELIGION.

Cloſe Rolls from 17 to 38 E. 3. two vol.
Cloſe and patent Rolls from 40. E. 3. to 50. E. 3. one vol. marked B.
Cloſe Rolls of E. 2. with other records, one vol. R.
Cloſe and patent rolls, and charter rolls in the time of king John for the clergy, one vol.
A great volume of records of ſeveral natures, G.
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Extract of commiſſions tempore, H. 7. H. 8. R. and the proceedings in the court military, between Ray and Ramſey; one vol.
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Mr. Elſings book touching proceedings in parliament, 1. vol.
Noye's collections touching the kings ſupplies, 1 vol. ſtitched.
A book of various collections out of records and

of it: which is accompanied with the pu
eſt delight, and attended with the moſt ſo
lid content imaginable: I ſay, the natur
of Religion, wherein it conſiſts, and wha
it requires: The miſtake of which pro
duceth daily ſo many miſchiefs and incon
veniencies in the world, and expoſeth ſ
good a name to ſo much reproach. It
ſheweth, it conſiſteth not in fair profeſ
ſions and glorious pretences, but in rea
practice; not in a pertinacious adherenc
to any ſect, or party, but in a ſincere love
of goodneſs, and diſlike of naughtineſs
wherever diſcovering itſelf; not in vain oſ
tentations and flouriſhes of outward per
formance, but in an inward good complex
ion of mind, exerting itſelf in works of
true devotion and charity, not in a nice
orthodoxy, or politic ſubjection of our
judgments to the peremptory dictates of
men; but in a ſincere love of truth, and
hearty approbation and compliance with
the doctrines fundamentally good and ne
ceſſary to be believed: Not in harſh cen
ſuring, and virulently inveighing againſt
others, but in careful amending our own
ways: Not in a peeviſh croſſineſs and ob
ſtinate repugnancy to received laws and
cuſtoms; but in a quiet and peaceable
ſubmiſſion to the expreſs laws of God, and

lawful commands of men: Not in a furious zeal for or againſt trivial circumſtances, but in a conſcionable practiſing the ſubſtantial parts of Religion: Not in a frequent talking, or contentious diſputing about it; but in a ready obſervance of the unqueſtionable rules and precepts of it. In a word, true Religion conſiſts in nothing elſe, but doing what becomes our relation to God, in a conformity or ſimilitude to his nature, and in a willing obedience to his holy will, to which by potent incentives, it allures and perſuades us, by repreſenting to us his tranſcendent glorious attributes.'

A

DISCOURSE

OF

RELIGION.

CHAP. I.

The ends and uſes of it, and the errors of men touching it.

TRUE religion is the greateſt improvement, advantage, and privilege of human nature; and that which gives it the nobleſt and higheſt pre-eminence above other viſible creatures.

We may obſerve in many brute beaſts and birds, admirable inſtincts, dexterities, and ſagacities; and in ſome of them ſome dark reſemblances of reaſon or ratiocination: but religion is ſo appropriate to the human nature, that there are ſcarce any ſort of men, but have ſome religion: nor do the moſt ſubtile or ſagacious brutes afford any ſigns thereof, as communicated to their natures.

It is one of the chiefeſt mercies and bleſſings that almighty God hath afforded to the children

of men, and that which ſignally manifeſts his providential care towards, and over them, that in all ages, and among all nations, he hath given to them ſome means and helps to diſcover unto them, though in different degrees, ſome principal ſentiments of true religion: 1. By the ſecret characters, and impreſſions, and ſtructures thereof in their minds and conſciences. 2. By his glorious and admirable works, commonly called the works of nature. 3. By ſignal providences, and providential regimen of the world. 4. By raiſing up men in all ages of great wiſdom, obſervation, and learning, which did inſtruct the more ignorant in this great concernment, the rudiments of natural religion. 5. By traditionary tranſmiſſion of many important truths and directions of life, from anceſtors to their poſterity, and others: though in proceſs of time, evil cuſtoms and evil men, did, in a great meaſure, impair and corrupt the ſentiments and practices of men, notwithſtanding theſe helps. Therefore the ſame mercy and goodneſs of God, for the preſervation and propagation of the true religion, was pleaſed to ſubſtitute a more fixed and permanent means: namely, the holy Scriptures, or divine Revelations, committed to writing in the books of the Old and New Teſtament. Though the religion delivered in both Teſtaments, be in ſubſtance the ſame; yet the true religion was more fully, and plainly, and diſtinctly delivered by Chriſt, and his apoſtles in the New Teſtament, together alſo with ſome additional inſtructions for the better preſervation and [illegible]gation thereof to mankind; and divers adevidences to prove and manifeſt the truth

of this religion, to procure its belief and acceptation: as the birth, miracles, death, reſurrection and aſcenſion of Jeſus Chriſt, the great reformer of the Jewiſh, and great inſtitutor of the Chriſtian religion, ſo called from Chriſt, that taught and aſſerted it. The Chriſtian religion is the moſt perfect rule of our duty to God, ourſelves, and others; and was deſigned principally for theſe great ends.

1. To reſtore to the glorious God, the honour, duty, and obedience of his creature, man; teaching him to know, to glorify and ſerve his Creator, to be thankful to him, to ſubmit to his will, to obey his law and command, to be thankful for his mercies, to acknowledge him in all his ways, to call upon him, to worſhip him, to depend upon him, to walk ſincerely in his ſight, to admire and adore his greatneſs and goodneſs in all his works, eſpecially in the great work of the redemption of mankind by his Son Chriſt Jeſus.

2. To enable man to attain everlaſting happineſs, the perpetual viſion of the glorious God, and to fit and prepare him to be a partaker of the inheritance of the ſaints in light and glory.

3. To compoſe and ſettle mankind in ſuch a decent and becoming rectitude, order, and deportment in this world, as may be ſuitable to the exiſtence of a reaſonable nature, and the good of mankind: which conſiſts principally in a double relation, 1. To a man's ſelf, ſobriety. 2. To others, which conſiſt in thoſe two great habits or diſpoſitions beneficent to mankind, viz. righteouſneſs or juſtice, and charity or love and beneficence.

Theſe three great ends are ſuccinctly delivered, Tit. ii. 11, 12. "For the grace of God that bringeth ſalvation hath appeared unto all men, teaching us, that denying ungodlineſs and worldly luſts, we ſhould live ſoberly, righteouſly, and godly, in this preſent world." Here we have theſe three ends of Chriſtian religion. 1. Godlineſs, or our duty to God. 2. Salvation, or our own everlaſting happineſs. 3. Sobriety, righteouſneſs, which alſo includeth charity, a part of evangelical righteouſneſs.

And becauſe Chriſtian religion was intended and inſtituted for the good of mankind, whether poor or rich, learned or unlearned, ſimple or prudent, wiſe or weak, it was fitted with ſuch plain, eaſy, and evident directions, both for things to be known, and things to be done, in order to the attainment of the end for which it was deſigned, that might be underſtood by any capacity, that had the ordinary and common uſe of reaſon or human underſtanding, and by the common aſſiſtance of the divine grace, might be practiſed by them.

The *Credenda*, or things to be known and believed, as ſimply neceſſary to thoſe ends, are but few, and intelligible, briefly delivered in that ſummary of Chriſtian religion, uſually called the Apoſtles creed.

The *Agenda*, or things to be done or foreborne, are thoſe few and excellent precepts, delivered by Chriſt and his Apoſtles, in that little book of the New Teſtament, and yet even the tenth part of that little book will contain all the precepts of Chriſtian duty and obedience contained in that

book: and in brief, the baptiſmal covenant, as it is contained in the liturgy, and explanation thereof in the church catechiſm uſed among us, together with the precept of the decalogue, contain in effect a ſummary or brief epitome of our Chriſtian duty.

And certainly it was neceſſary and becoming the wiſdom of the moſt wiſe God, and that religion and doctrine, which equally concerned men of all kinds and capacities, ſhould be accordingly accommodated, as might be uſeful for all. If the doctrine or precepts of Chriſtian religion ſhould have been delivered in over ſublime, or ſeraphical expreſſions, in high rhetorical raptures, in intricate and ſubtil phraſes or ſtile, or if it ſhould have been ſurcharged with a multitude of particulars, it would have been like a ſealed book, to the far greateſt part of mankind, who yet were equally concerned in the buſineſs and end of religion, with the greateſt philoſophers and clerks in the world.

Upon what hath been ſaid, we may therefore conclude,

1. That there is not, and indeed may not be any great difficulty in the attaining of a true ſaving knowledge of Chriſtian religion.

2. That the duties of Chriſtian religion are not of ſo vaſt an extent, but the knowledge of them may be alſo attained by an ordinary capacity, willing to learn.

3. That conſidering that God Almighty is never wanting with his grace to aſſiſt thoſe that ſincerely endeavour and deſire to obey him and ſerve him, it is not ſo difficult a buſineſs to perform an

evangelical obedience to the precepts of the gospel, I say, an evangelical obedience, though not a perfect obedience; an obedience that is sincere, though many times weak, and failings, which nevertheless are forgiven, and their sincere, though imperfect obedience accepted by Almighty God, through the merits and intercession of Christ, and our own humiliation and sincere repentance for our failings.

And, 4. That when all is done, in this belief and this obedience, consists our Christian religion. This is the one thing necessary, the *Magnum Oportet*, which is of highest concernment and greatest importance to mankind.

But now, if we do but look about us in the world, and observe and consider the matters, wherein men for the most part, do place religion, we shall find quite another kind of rate and nature of religion, than what Christ instituted or intended, and yet all veiled and shrouded under the name of Christian religion; and greater weight and stress laid upon them, than upon the true, real, grand imposts of Christian religion.

I. I shall begin with the subtilties of great scholars, schoolmen, and scholastic divines. These have turned Christian religion into a most curious and difficult speculation, and that which was designed by Christ Jesus as a plain direction to every capacity, to be a guide to a righteous, holy, and sober life here, and to attain everlasting life hereafter, they have (made) a mere exercise of wit, and a piece of greater subtilty than the abstrusest philosophy or metaphysics. And this they have done principally these ways.

1. By disputes about questions, that as they are not in themselves necessary to be known, so they are in their own nature impossible for human understanding to determine: as for instance; many, if not all, the points controverted between the Arminians and Calvinists, as touching the manner of the decrees of God, what kind of influence he hath upon the wills of men. The manner of the divine knowledge of things future, contingent, or possible. The resistibility or irresistibility of divine grace. The nature of eternity, and infinitude, and indivisibility. The manner of the existence of the three Persons in the unity of essence. The nature of angels and spirits; the manner and degrees, and method of their knowledge of things; their several ranks and orders, and infinite more speculations and disputes of things that do not in their own nature fall under the discovery of human understanding, by the ordinary course of ratiocination, and are impossible to be known further than they are distinctly revealed by Almighty God, and as it was industriously kept secret by Almighty God, because they are not of use to mankind to be known. It is far more possible for a child of three years old, to have a true conception of the most abstruse points in philosophy, or in the mystical reasons of state or politic government of a kingdom, than for the wisest man that ever was, without revelation from God, to have any tolerable conception or notion of things of this nature, with any tolerable certainty or evidence.

2. Again, there are other points disputed which are of a lower allay, and yet not to be distinctly

known without more clear revelation than we ye have of it, nor yet of any neceſſity for us diſtinctly to know: as for inſtance, concerning the nature and manner of tranſmiſſion of original ſin; how far the ſins of immediate or remote parents affect their poſterity with guilt or puniſhment; the origination of the human ſoul: how far the efficacy of the ſacrifice of Chriſt was intentionally for all men; concerning the means of communication thereof to infants, ideots, and the invincibly ignorant: what is the real conſequence of baptiſm of infants, or its omiſſion; how far the will of man is operative to his converſion, or perſeverance; wherein the formal nature of juſtification conſiſts; how far forth faith ſingly is ſufficient for it, without ſanctification and habitual holineſs at laſt, and how far forth the ſincere love of God, by a perſon invincibly ignorant of many, or moſt points of Chriſtian religion is ſufficient thereunto; concerning the eſtate of the ſeparate ſoul before the laſt judgment, and how far it enjoys the beatifical viſion before the reſurrection.

Diſputes touching theſe, and the like difficult queſtions, have blown up men's fancies with ſpeculations, inſtead of filling their hearts with the true and genuine effects of Chriſtian religion.

It is true, that phyſicians and naturaliſts do, and may make enquiries into the method and progreſs of generation, and digeſtion, and ſanguification, and the motion of the chyle, the blood, the humours: for, 1. They have means of acceſs to the diſcovery thereof by diſſection and obſervation. And, 2. It is of ſome uſe to them in their ſcience, and the exerciſe thereof. But when all

s done, a man of a ſound conſtitution digeſts his neat, and his blood circulates, and his ſeveral veſels and entrails perform their offices, though he new not diſtinctly the method of their motions nd operations. But theſe ſpeculations above nentioned, in points of divinity as they are not oſſible to be diſtinctly determined with any cerainty, ſo they are of little uſe to be known.

If the heart be ſeaſoned with the true knowledge of the things that are revealed, and with the life of the Chriſtian religion, and the love of God, it will be effectual enough to order his life, and bring him to everlaſting happineſs, though he be not, like an exquiſite anatomiſt, acquainted with a diſtinct comprehenſion or knowledge of the ſeveral difficult enquiries of this nature. Believe what is required by the word of God to be believed, and do your duty, as by that word is directed; ſo that the life of religion, and the love of God be once ſet on foot in the ſoul, and there nouriſhed, and commit yourſelf to the faithfulneſs and goodneſs of God, and this will be effectual to the great end of religion, though all theſe diſputes be laid aſide.

3. Again, A third miſchief of ſcholaſtics, is, in relation to practics: 1. Some caſuiſtical divines have ſo diſtinguiſhed concerning religious external duties, that they have left little practical religion or morality in the world, and by their ſubtil curious diſtinctions, have made almoſt every thing lawful, and with the Phariſees, in the time of our Saviour, have made void the laws of God, (and of man alſo) by their traditions and diſtinctions: ſo that religion towards God, and all righteouſneſs

and ſobriety, is ſo thin and narrow, and ſubtil, that by their doctrine of probability, and caſuiſtial diſtinctions, all the bones thereof are looſened. It would be too long to give inſtances in particular: The late velitations in France between ſome of the Popiſh Prieſts and Jeſuits, furniſh the world with inſtances enough of this kind.

II. The ſecond inſtance is this, the turning of the greateſt part of religion into politic contrivances, for attaining or upholding power, wealth, or intereſt.

There have been inſtances many in this kind among ſecular princes and ſtates, this was the act of Jeroboam to ſet up idolatrous religion in Samaria, for preventing a return of the ten tribes to the houſe of David. And we may obſerve it in moſt of the religions eſtabliſhed by Heatheniſh princes, which was ſo ordered to accommodate their intereſt, though to the extreme corrupting of natural religion.

But there is not ſo eminent an inſtance thereof in the whole world, as that of the eccleſiaſtical ſtate of the church of Rome, who have corrupted, as much as in them lies, the moſt pure and innocent religion that ever the world knew, namely, the Chriſtian religion, by diſtorting it to ends of wealth and power, appendicating to it certain new doctrines and practices merely to thoſe ends. And not only ſo, but have laid the greateſt weight of religion in the obſervation of theſe political appendications; ſo that a man that either queſtions or not obſerves the political additaments, runs as ſevere a cenſure and danger among them, as he that denies the moſt unqueſtionable principles of

Chriſtian religion. Such are their doctrines of the Pope's ſupremacy, the Pope's infallibility, the neceſſity to ſalvation to be of the Romiſh church; the adoration of images, ſaints departed, and angels; the veneration of reliques; the doctrine of purgatory, indulgences, and the church treaſury of redundant merits; the doctrine and practice of diſpenſations and indulgences; their canonization of ſaints; their pilgrimages, numerous ceremonies, theatrical ſpectacles, their doctrine of tranſubſtantiation, and divers other ſuper-additions and appendications to Chriſtian religion, which any perſon, not captivated by them, may with half an eye perceive to be invented and continued merely for the ſupport of the grandeur of an univerſal monarchy which they miſcall the Church, and for the amaſſing of wealth and power for the ſupport of it, as might moſt eaſily be evinced by the particular examination of all thoſe politic appendixes.

And yet let any man obſerve it, he ſhall find as great fervour for the upholding of theſe doctrines and practices, and as great a jealouſy of the leaſt breach made upon them, as if the whole concern of Chriſtian religion, and the ſalvation of ſouls, lay in their belief and obſervance.

III. The third inſtance is in relation to the forms of church government and ceremonies. That eccleſiaſtical government is neceſſary for the preſervation of religion, is evident to any reaſonable and conſiderate man: And that the Epiſcopal government conſtituted in England, is a moſt excellent form of eccleſiaſtical government, and exceeds all other forms of eccleſiaſtical government may be eaſily evinced; and that it is the beſt adapted to the civil government in this king-

dom, is visible to any intelligent person: And ye
I do not think that the essence of Christian religio
consists in this, or any other particular form
government. It is a great help to the preservatio
of it in its purity and unity, and may be well cal
ed *Sepimentum Religionis Christianæ*, as the Jew
call their oral tradition, *Sepimentum Legis*, th
fence of the law. But a man may be a good an
excellent Christian under this or any other for
of ecclesiastical government, nay in such plac
where possibly there is no settled form of eccle
astical government established.

But if we observe many persons in the worl
we shall find some so highly devoted to this or th
particular form of government, as if all the weig
of Christian religion lay in it: Though the wi
and sober sort of conformists know and profe
this, yet there be some rash people that will pr
sently un-church all the reformed churches b
yond the seas which are not under episcopal g
vernment. That if they see a man, otherwise
orthodox principles, of a pious and religious li
yet if scrupling some points of ecclesiastical g
vernment, though peaceable, they will esteem him
little better than a Heathen or Publican, a Schis
matic, Heretic, and what not: On the other side,
if they see a man of great fervour in asserting the
ecclesiastical government, observant of external
ceremonies, though otherwise of a loose and dis
solute life, yet they will be ready to applaud him
with the stile of a son of the church, and upon
that account, over-look the miscarriages of his
life, as if the essence and life of Christian religion
lay in the bare asserting of the form of ecclesiasti
cal government.

On the other ſide, there is as great an extremity of the other hand: There are many indiſcreet perſons, as well divines as others, that having either by their education, or by converſation with Diſſenters, or poſſibly to gain a party, taken upon them the patronage of aſſerting of ſome other form of church government, either Preſbyterian or Independent, or ſomething framed by their own invention, preſently cry down the eſtabliſhed government of the church, as Antichriſtian or Popiſh, and cry up that which they have thus eſpouſed, as the only true Chriſtian regiment inſtituted by Chriſt; and preſently among them, and their followers, this is made the diſcriminative mark of a true Chriſtian. If they ſee a man conformable to the eſtabliſhed government, though he be pious, ſober, and truly religious, yet they deſpiſe and neglect him, cenſure him as a formaliſt, and without the power of godlineſs: But if a man will but revile the eſtabliſhed government, and be bold againſt it, cry it down, and cry up the new inſtitution into which they are liſted, though the man be covetous, uncharitable, hard-hearted, proud, impetuous, and poſſibly otherwiſe looſe in his converſation, yet ſuch a man ſhall be cheriſhed, applauded, and cried up for a ſaint, a precious man, and zealous for the truth.

And although decent ceremonies, that are for the preſervation of the dignity of religion, and to keep due order and regularity, are not eſſential parts of Chriſtianity, nor were ever ſo eſteemed by wiſe and ſober men, and yet are of uſe and convenience in the church, nevertheleſs we may eaſily obſerve among men the ſame extremes as are be-

fore noted: Some placing the whole weight
religion in their ſtrict obſervance, and maki
them the principal, if not the only badge of a
of the church, hating and deſpiſing thoſe t
ſcruple any thing in them, or that do not come
in every punctilio to their obſervance, though th
be otherwiſe found in the principles of faith,
ous and ſtrict in their lives, juſt and honeſt to
men, and ſober, temperate and blameleſs.

On the other ſide, there be a ſort of men t
place the greateſt ſtreſs and diſcriminating po
of Chriſtian religion, in oppoſing and decrying
inſtituted ceremonies, though innocent, dece
and without any the leaſt touch of ſuperſtition
them, yet theſe muſt be decried, as Popiſh, A
chriſtian, deſtructive of Chriſtian liberty, and
party that with moſt boldneſs and vehemence
claims againſt them, is valued by them as a m
precious man, a man of zeal and courage,
needs little elſe to juſtify and magnify him w
his party.

On the other ſide, though a man be of an h
and conſcientious life, found in principles, ſob
blameleſs, peaceable; yet if he obſerve th
blameleſs ceremonies, though with great mode
tion and charity to Diſſenters, he ſhall be ſlight
and undervalued, eſteemed a formaliſt, a tim
ſerver, or, at beſt, a man wanting courage, ze
lukewarm, timorous, and wanting the power
godlineſs. Such wild and wrong meaſures,
men of extremes on all hands, take of the true
ſence and ends of Chriſtianity.

IV. Again, even among profeſſors of the Pr
teſtant religion, there are divers diſputed and co

troverted points; as between the Calviniſts and Arminians, eſpecially touching the univerſality of the redemption by Chriſt, perſeverance and falling from grace, and almoſt every day there ariſe certain new opinions, ſome of greater importance, but very commonly of ſmall and inconſiderable moment; and theſe are taken up by the ſeveral parties poſſibly agreeing in the ſame fundamentals of Chriſtian religion. And ſometimes they are entertained by a party of men, becauſe their paſtors are of that opinion, or ſeem to be ſo; though often they are taken up, or inſtilled into a party, to make a diſcriminative mark between perſons of ſeveral congregations, and then it is wonderful to ſee with what fervour each party maintains his tenet, and as great weight is laid upon it, as if the whole ſtreſs of Chriſtian religion, and the ſalvation of the ſouls of men lay upon it; when God knows they are not of any moment in it.

Such was the old controverſy between the eaſtern and weſtern churches about Eaſter-day, and more ancient than that in the Apoſtles times, about eating of meats offered to idols, and among us at this day touching the five Arminian queſtions. And yet we ſhall ſee men as fervent and zealous about them, as cenſorious of Diſſenters from them, as fond of thoſe of the ſame opinion with them, as if all the articles of the Chriſtian faith were immediately concerned in them; when all the while they are not of any moment to the ſalvation of men, nor of any concernment to the Chriſtian religion, or the ends thereof, but are only artifices impoſed upon men to hold up parties, or to keep up ſome man, or parties reputation; imaginations

which men are fond of, becauſe they are their own, at leaſt theirs whom they have in great veneration or eſteem.

V. Again, the fond miſtakes of men in this kind, are obſervable in very ſlight and trivial matters, which yet are entertained with a kind of religious veneration, when they ſerve to hold up parties, or as diſcriminations of their profeſſions. Among the profeſſed Monks and Friars, they have certain habits aſſigned to ſeveral orders, and as well anciently as now, have ſeveral kinds of tonſures of their heads, which they obſerve with great ſeverity; and place much religion in them.

And even among the various ſects, or perſuaſions among thoſe that leaſt abhor Popery, yet we ſhall find ſome ſuch fond things upon which they lay a great weight of their religion: Sometimes in very looks and compoſing of their countenance; ſometimes in the manner or tone of expreſſions; ſometimes in affected phraſes; ſometimes in geſtures; ſometimes in habits and dreſſes; ſometimes in uſe of meats and drinks of one kind or other. I ſhall give ſome few inſtances.

You ſhall have ſome that place a great point of religion, in forbearing the eating of fleſh upon Fridays, or in the time of Lent, but yet indulge themſelves oftentimes in the eating of the choiceſt fiſh, and the moſt coſtly diet of their meats: Others again think they muſt needs go as far on the other extreme, chuſing thoſe ſeaſons for feaſting upon fleſh, and think it acceptable with God, becauſe it runs counter to the other extreme.

Again, a time there was when it was thought that long hair was unbecoming profeſſors of Chri-

tianity, and upon that account, ſome did wear their hair ſhort, even to extremity. But about the beginning of the late wars, many took up, as they thought, a more elevated way of Chriſtianity, and as a badge thereof, wore their hair extremely long.

The conformiſts uſually wear crowns or canonical coats; many of the nonconformiſts, by way of diſcrimination, uſe other habits.

The former officiate, as the canons require them, in ſurplices, and ſometimes with hoods, and ſome are ſo taken with it, that they think the offices want an eſſential part when performed without it; ſome of the latter, think the ſolemn ordinances are prophaned by it, and rendered ſuperſtitious.

But among all the differing perſuaſions among us, there are none that give a man more ample evidence of miſtakes of this nature, than thoſe called Quakers, who place a great part of their religion in keeping on their hats, in uſing the words thee and thou, in ſtiling the months and days of the week, not according to the uſual appellation, but the firſt, or ſecond month, or day, in certain habits and poſtures unlike other men; in ſilent devotions at their public meetings; in reviling and crying down the eſtabliſhed miniſtry, churches, ſacraments, Lord's-day, and all manner of forms, whether commanded or uſed by others; in refuſing to take an oath when lawfully called thereunto; and ſome ſuch other ſingularities. Take away but theſe and the like affected ſuper-additions; the men are as other men, ſome indeed very ſober, honeſt, juſt, and plain-hearted men, and found in moſt, if not all the important doctrines and prac-

tices of Chriſtianity; others, (as it happens in all profeſſions) ſubtil, covetous, uncharitable, tumultuous, ignorant, proud, deſpiſers of others, ſlanderers, and yet as long as they conform to the ſect in theſe impertinent or unwarrantable ſingularities, they pleaſe themſelves with the ſtile of the people of God, and are for the moſt part eſteemed as ſuch by thoſe of that ſect.

By this little ſurvey, we may eaſily take an eſtimate of the miſtakes of mankind, and even among Chriſtians, touching the miſtakes in point of Chriſtianity and Chriſtian religion, and how common it is to miſplace the name of Chriſtian religion, and the nature of it, and attribute it to ſuch things, as in truth have nothing to do with it, but many times are directly contrary to it.

And yet, even in theſe impertinencies, many men place the greateſt moment of their religion, and have as great, and many times a greater zeal and fervour for them, than for the weighty points and duties of Chriſtianity, and moſt of the buſineſs of many men, conſiſts in velitations, and defences, and invectives about them; the pulpits and the preſs are engaged about them; love, and charity, and even common humanity, and mutual converſation between man and man, church and church, party and party, is broken by the mutual colliſions and animoſities concerning them. So that (the Lord be merciful to us and forgive us) there is as little love, and as great diſtance and animoſity between many of the diſſenting parties among Proteſtants, touching theſe matters, as there is between Papiſts and Proteſtants, or between Chriſtians and Infidels. And by this means the

true life of Christian religion, and that which was the great end of its institution, and the true genuine and natural effect of it upon the heart and soul, and course of life, is lost or neglected by them that profess it, or disparaged among those that either have not entertained it, or, at least, entertained it, as they do the customs of the country wherein they are educated. These men, when they see so much religion placed by professors of Christianity in these things, which every intelligent man values but as forms, or inventions, or modes, or artifices, and yet as great weight laid upon them, as great fervour and animosity used for or against them, as almost for any points of Christian religion, they are presently apt to censure and throw off all religion, and reckon all of the same make.

But when all is done, true Christian religion is of another kind of make, and is of another kind of efficacy, and directed unto, and effective of a nobler end, than those things about which, as above is said, men so much contend, and that makes so great a bustle and noise in the world. As the Credenda are but few and plain, so the Facienda, or things to be done, are such, as do truly ennoble and advance the human nature, and bring it to its due habitude, both to God and man.

It teacheth and tutors the soul to a high reverence and veneration of Almighty God, a sincere and upright walking as in the presence of the invisible, all-seeing God: It makes a man truly to love, to honour, to obey him, and therefore careful to know what his will is; it renders the heart highly thankful to him, both as his Creator, Re-

deemer, and Benefactor: It makes a man entirely to depend upon him, to seek to him for guidance, and direction, and protection; to submit to his will with all patience and resignation of soul: It gives the law, not only to his words and actions, but to his very thoughts and purposes, that he dares not entertain a very thought unbecoming the sight and presence of that God, to whom all our thoughts are legible: It teacheth and bringeth a man to such a deportment, both of external and internal sobriety, as may be decent in the presence of God, and all his holy angels: It crusheth and casts down all pride and haughtiness, both in a man's heart and carriage, and gives him an humble frame of soul and life, both in the sight of God and men: It regulates and governs the passions of the mind, and brings them into due moderation and frame: It gives a man a right estimate of this present world, and sets his heart and hopes above it, so that he never loves it more than it deserves: It makes the wealth and glory of this world, high places, and great preferments, but of a low and little value to him; so that he is neither covetous, nor ambitious, nor over solicitous concerning the advantages of it: It brings a man to that frame, that righteousness, justice, honesty, and fidelity, is as it were part of his nature; he can sooner die than commit or purpose that which is unjust, dishonest, or unworthy a good man: It makes him value the love of God, and peace of conscience, above all the wealth and honours in the world, and be very vigilant to keep it inviolably: Though he be under a due apprehension of the love of God to him, yet it keeps him humble and watchful,

and free from all preſumption, ſo that he dares not under a vain confidence of the indulgence, and mercy, and favour of God, turn aſide to commit or purpoſe even the leaſt injury to man; he performs all his duties to God in ſincerity, and integrity, and conſtancy; and while he lives on earth, yet his converſation, his hopes, his treaſure, and the flower of his expectation is in heaven, and he entirely endeavours to walk ſuitably to ſuch a hope: In ſum, it reſtores the image of God unto the ſoul in righteouſneſs and true holineſs.

Compoſitum jus, faſque animi ſanctoſque receſſus
Mentis, et incoctum generoſo pectus honeſto.

Theſe, and the like to theſe, are the ends, deſign, and effect of true Chriſtian religion, truly received and digeſted in the ſoul. And certainly any man that duly conſidereth, will find that they are of another kind of nature and value, than thoſe ſublime ſpeculations, politic conſtitutions, forms or not forms, affected ſingularities, upon which many lay the weight of religion, and for touching which, there is ſo much contention and animoſity in the world. So that methinks men in this regard, are like to a company of fooliſh boys, who, when the nut is broken, run ſcrambling after the pieces of the ſhell, and in the mean while, the kernel is neglected and loſt.

Now touching the reaſons or cauſes of theſe miſapprehenſions touching religion, they are various: Some deſerve compaſſion, and others are more or leſs excuſeable, according to their ſeveral kinds: 1. Some perſons truly conſcientious and zealous of any thing that they judge to be diſ-

pleasing to God, as not agreeable to his will, a
observing the many corruptions, that the Roma
church have brought into the worship of God
are very suspicious of any thing that may look
as they think, any thing that way; and there
fore, though they are otherwise men of sound an
orthodox principles, and of a truly righteous, so
ber, and pious life, yet perchance are transported
somewhat too far in scrupuling or opposing some
ceremonies or forms: And possibly their educa
tion and conversation with men of such persua
sions have confirmed them in it, so that they do
not oppose out of a forwardness or peevishness of
mind, or out of pride, or a spirit of opposition,
but in the sincerity and simplicity of their hearts,
and out of a tenderness for the honour of God.
These, though they are, or may be mistaken in
their persuasions, yet certainly, deserve compas
sion, tenderness, yea, and love also, much rather
than severity or contempt.

2. Others again, observing that certain modes,
and forms, and the rigorous observations of them,
are the common road for attaining preferments or
favours of great persons, upon that account exer
cise a marvellous fervour of mind for them, and
a vigorous opposition of all that come not up to
them in every punctilio, that they may thereby be
taken notice of, and employed, as useful, and fit,
and vigorous affertors and instruments for this
purpose.

3. Many times gain and profit is the end and
design of many practices and positions appendi-
cated to Christian religion, as is before observed
in the Romish church; and it is easily observable,

that intereſt, profit, and temporal advantage have a ſtrong biaſs upon men's affections; and are dearer to them than the truth of religion, and carry men more vigorouſly in their upholding and maintenance, than religion itſelf doth: and becauſe the pretence of zeal for religion carries a fair plauſibility with all men, therefore thoſe very things that are but engines of gain and profit, ar chriſtened with the ſpecious name of religion.

It was the making of ſilver ſhrines for Diana, the art whereby the artificers got their living, that made the outcry, "great is Diana of the Epheſians."

Again, it is very certain, that mankind hath a huge kindneſs and partiality for matters of their own invention, and ſet a greater rate upon them, than upon other matters handed over to them by others: and, hence it comes to paſs, that a new fancy or opinion, a new form of worſhip, diſcipline, or government, that any man hath invented or ſtudied out, is to ſuch a man ordinarily of greater value and moment than it deſerves, and ſhall be maintained with greater zeal, fervour, and animoſity, than points of greater truth and moment, as if the great moment and weight of religion and Chriſtianity lay in it, which is in truth, nothing elſe but the effect of ſelf-love, and ſelf-conceit.

5. Again, though by nature, man be a ſociable creature, yet there is in moſt men a certain itch of pride, which makes them affect a diſcrimination from others, and to become a kind of ſeparated party more refined than the reſt of the ſame common profeſſion.

I do remember in the beginning of our late troubles, the only party that visibly appeared, were some that desired some reformation in church matters: and when that party had obtained, under the name of the presbyterian party, in a very little while there arose a more sublime party of men, called the independent, or congregational men, which much despised the former, as not arrived to a just measure of reformation. Shortly after that, there arose a kind of lay-party, which as much undervalued the independent, and indeed the ministry in general.

After that, there arose a party, discriminating itself from all the former, viz. the Quakers. These various parties, were as so many sub-divisions and rectifications of what went before.

Now the means of holding up this discrimination of parties, are certain select opinions, practices, or modes, which are like the badges or colours that give each party its denomination, distinction, and discrimination: and consequently these discriminative badges have as great a rate set upon them as each sect sets upon itself; and therefore must be upheld under the very notion and the life of religion, and must be maintained with the greatest fervour imaginable; for otherwise the distinction of the sects themselves would fall to the ground, and become contemptible both among themselves and others, because otherwise there would appear very little and inconsiderable reason, upon trifling or small reasons, to separate and divide from others, and to un-church and unchristian them that are not of their company or society.

CHAP. II.

The life of religion, and ſuper-additions to it.

THE truth and ſpirit of religion comes in a narrow compaſs, though the effect and operation thereof are large and diffuſive. Solomon comprehended it in a few words, "Fear God, and keep his commandments, for this is the whole duty of man:" the ſoul and life of religion is the fear of God, which is the principle of obedience; but obedience to his commands, which is an act, or exerciſe of that life, is various, according to the variety of the commands of God: if I take a kernel of an acorn, the principle of life lies in it: the thing itſelf is but ſmall, but the vegetable principle that lies in it takes up a leſs room than the itſelf, little more than the quantity of a pin's head, as is eaſy to be obſerved, by experiment, but the exerciſe of that ſpark of life is large and comprehenſive in its operation; it produceth a great tree, and in that tree, the ſap, the body, the bark, the limbs, the leaves, the fruit; and ſo it is with the principle of true religion, the principle itſelf lies in a narrow compaſs, but the activity and energy of it is diffuſive and various.

This principle hath not only productions that naturally flow from it, but where it is, it ferments and aſſimulates, and gives a kind of tincture even to other actions that do not in their own nature follow from it, as the nature and civil actions of

our lives, under the former was our Lord's parable, of a grain of muſtard, under the latter of his compariſon of leaven, juſt as we ſee in other things of nature: take a little red-wine, and drop it into a veſſel of water, it gives a new tincture to the water; or take a grain of ſalt, and put it into freſh liquor, it doth communicate itſelf to the next adjacent part of the liquor, and that again to the next, until the whole be fermented: ſo that ſmall and little vital principles of the fear of God, doth gradually, and yet ſuddenly aſſimulate the actions of our life flowing from another principle. It rectifies and moderates our affections, and paſſions, and appetites; it gives truth to our ſpeech, ſobriety to our ſenſes, humility to our parts, and the like.

Religion is beſt in its ſimplicity and purity, but difficult to be retained ſo, without ſuperſtitions and acceſſions; and thoſe, do commonly in time ſtifle and choak the ſimplicity of religion, unleſs much care and circumſpection be uſed: the contemperations are ſo many and ſo cumberſome, that religion loſeth its nature, or is ſtrangled by them: juſt like a man that hath ſome excellent ſimple cordial or ſpirit, and puts in muſk in it to make it ſmell ſweet, and honey to make it taſte pleaſant, and it may be cantharides to make it look glorious. Indeed by the infuſions he hath given it a very fine ſmell, and taſte, and colour, but yet, he hath ſo clogged it, and ſophiſticated it with ſuper-additions, that it may be he hath altered the nature, and deſtroyed the virtue of it.

The ſuper-additions and ſuperſtructions in point of religion are very many, and from very many

and various tempers in men that add them. As for inſtance,

1. There is one common ſuper-addition that naturally all men are apt to bring into it, viz. that it may gratify the ſenſe; for in as much as the moſt powerful and immediate influence upon us comes from, and through our ſenſes, and that ſpiritual and internal apprehenſions have not ſo ſtrong or conſtant an impreſſion upon us, they ſeem things at a diſtance, flat, and the ſoul is weary of bearing itſelf upon them; men are apt to dreſs up religion ſo, as it may be grateful to the ſenſe; make us gods that may go before us: and this is the chief original of idolatry, and alſo of ſuperſtition.

2. There are other ſuper-additions that come even from the accidental inclinations of men to ſome ſpecial matter which they value and love; and that they carry over into religion; and many times mingle with it. As for the purpoſe, take a man greatly admiring natural philoſophy, he will be apt to mingle and qualify religion with philoſophical notions. Many of thoſe things of Ariſtotle, that are harſhly and diſhonourably aſſerted concerning the Deity, are from his tenacious adhering to certain philoſophical poſitions that he had fixed upon.

Behemen, who was a great chymiſt, reſolves almoſt all religion in chymiſtry, and frames his conceptions of religion ſuitable and conformable to chymical notions.

Socinus, and his followers, being great maſters of reaſon, and deeply learned in matters of mora-

lity, mingle almoſt all religion with it, and form religion purely to the model and platform of it.

Many great phyſicians, that have much obſerved the conſtitutions of man's body, have figured to themſelves notions of the ſoul, conformable to the reſults of their obſervations in the body.

And as thus in theſe ſorts of men, ſo again men of metaphyſical and notional brains and education, as the ſchoolmen, they have conformed religion, and their notions concerning it, to metaphyſics: and indeed have made that which is, and ought to be, the common principle for the actuating of all men, yea, even of the meaneſt capacities, to be a mere connection of ſubtilties far more abſtruſe than the moſt intricate and ſublimated human learning whatſoever.

Again, take a politician, or ſtateſman, and he ſhall moſt eaſily conform religion to ſtate policy, and make it indeed, a moſt excellent and incomparable engine for it, and nothing elſe.

And if we narrowly look upon the method and ſyſtem of religion, as it is formed by the Romiſh hierarchy, it is a moſt exquiſite piece of human policy, and every thing therein ſuited with moſt exquiſite art and prudence for the ſupport of the grandeur and intereſt of that ſtate: this hath mingled with the Chriſtian religion the Pope's infallibility and ſupremacy, his power of pardoning, and diſpenſing his keys of heaven and hell, his purgatory, and indulgences, and images, and adorations of them; his reliques and pilgrimages, and canonizing of ſaints, and a thouſand ſuch kind of ſtuff moſt incomparably fitted to men's paſſions and affections; and ſo to ſupport that

moſt artificial and methodical fabric of the Popiſh ſtate; for indeed it is no other.

And if we look into other kingdoms and places, we ſhall eaſily find, that religion is ſo ſtated and ordered, as may beſt conduce to the peace, order, wealth, and amplitude of every kingdom; for wiſe politicians, finding that religion hath a great impreſſion on men's minds, and therefore if it be not managed by the policy of ſtate, may prove an unruly buſineſs, if it be contemperated with mixture prejudicial to the ſtate, and that it may be a moſt excellent engine, if it can be managed and actuated for the benefit of the ſtate, do add to it much of their own, that it may be managed upon occaſion, and they dreſs up religion with ſtate-policy, whereby in truth it becomes nothing elſe but a mere piece of human policy, under the name of religion.

And, on the other ſide, thoſe either politic or diſcontented ſpirits, that would put a kingdom into blood and confuſion, do mingle diſcontents, and fancies, and imaginations, ſuſpicions, and forwardneſs with religion, and call this confuſed mixture of fancies and paſſions, religion; and manage and brandiſh this weapon with mighty diſadvantage to that ſtate which they oppoſe.

For it is moſt apparent, that as nothing hath ſo great an impulſion upon men, as that which comes under the apprehenſion of religion, inaſmuch as it concerns the greateſt good, even their everlaſting ſouls and happineſs; ſo nothing is of ſo univerſal concernment as this, and therefore like to attract the moſt followers; for every man hath not an eſtate to care for; but every man hath

a ſoul to care for; and hence it is that ſcarce any great conteſt between princes hath happened in theſe latter years, nor ſcarce any commotion in a ſtate, but religion is owned on all ſides; and God, and his cauſe, and his church, owned on all hands, and therefore ſtill the ſcramble is for religion, and who ſhall keep the opinion of religion moſt firm to them; and therefore they, on all hands, infuſe into the thing they call religion, thoſe things that may moſt probably and politically hold to their party.

Again, in conteſt among clergymen, every one trims and orders religion in that dreſs, that may moſt make it their own, and ſecure it to themſelves.

Take the Popiſh clergymen: hold what you will, if you hold not the ſupremacy and vicariot of the Pope, all the reſt of your religion is not worth a ruſh.

Come to the reformed epiſcopal clergy: as to the Pope's ſupremacy they diſclaim it; but if you acknowledge not epiſcopal government, if you ſwear not canonical obedience to your ordinary, if you ſubmit not to the liturgy, and ceremonies, and veſtments, and muſic uſed in the church, you are at beſt a ſchiſmatic.

Again, come to the Preſbyterian clergy, they will tell you Epiſcopal government is Romiſh and ſuperſtitious, and their ceremonies and uſages, Antichriſtian uſurpations; but if you mean to be of a warrantable religion, you muſt ſubmit to the Preſbyterian government, as truly apoſtolical.

Come to the Independent, he declaims againſt both the former, and tells you, that the true con-

formity to apoſtolical order is in the congregational way.

Take the Anabaptiſt, and he tells you all the former are vain and irreligious, unleſs you will be re-baptized, and enliſted in their church.

Again, in points of doctrine, as well as diſcipline, it is moſt plain, that tenets are profeſſed or decried for diſtinction of parties: witneſs the conteſt between the Arminian party, and the Calviniſtical party, which are only uſed as methods on either ſide, to attract proſelytes, and diſtinguiſh parties: and in theſe and the like diſtinctions of parties and profeſſions, the ſuperſtructions and additions, are in a manner incorporated and grafted into religion, and in effect give the only demonſtration to it, according to the various intereſts and affections of parties; when in truth, the main buſineſs of theſe, and the like additions and ſuperſtructions, are but policies to diſtinguiſh, and fortify, and increaſe parties.

3. There are ſome ſuper-additions to religion, that though I do not think they are to be condemned, yet are carefully to be diſtinguiſhed from the true and natural life of religion; and ſo long as they are kept under that apprehenſion, they may, if prudently applied and managed, do good. But if either they are imprudently inſtituted, imprudently applied, or inconſiderably over-valued, as if they were religion, they may, and many times do harm; and ſuch are decent and inoffenſive forms in the external worſhip of God appointed by the civil magiſtrate, by the advice of thoſe that are deſervedly eminent in the church for their

piety, learning, and prudence. And there ſeems to be very good reaſon for it.

1. Becauſe, if every man ſhould be left to himſelf, there would confuſion enſue; becauſe no man knew another's mind, or rule of his external deportment.

2. All men have not that equal prudence to judge what were fit to be uſed: the magiſtrates are beſt to make choice of thoſe perſons that are fitteſt to adviſe, and their recommendations would be of greateſt authority with others.

3. It is moſt certain, that man being compoſed of ſoul and body, cannot ſo regularly and well fix himſelf to his duty, without ſome juſtifiable help to his devotion; ſuch are vocal prayers, kneeling, and other geſtures proper for the matter of worſhip which he intends.

And this may be one reaſon, why the Lord, though he ſtrictly forbad all idolatry and ſuperſtition, and heatheniſh practice to the Jews, yet did appoint ſacrifices, prieſts, a glorious tabernacle, and the ark, which was not only a diverſion from the Egyptian idolatry, which they had ſeen, but alſo a help to their natural infirmity for the excitation of their devotion.

And although our Lord Jeſus came to abrogate even that indulgence, and foretold that thoſe that "worſhipped the Father, ſhould worſhip in ſpirit, and in truth," under the goſpel; yet it is certain, that the immediate apoſtles of Chriſt did ſet certain orderly obſervances in the church for decency's ſake; and it was juſtly allowable: as concerning the order of the exerciſe of their ſupernatural gifts, concerning women's ſpeaking in the

church, concerning men's being covered in the church, and women veiled; concerning the manner and order of receiving the ſacrament, and the like.

But as there be reaſons for it, ſo there be cautions to be uſed in it.

1. That they be not too numerous; for their multitude will rather oppreſs than ſecure religion.

2. That in their natures they be not ſuperſtitious, but keep as much diſtance from it as well may be; otherwiſe they will be in religion, as the dead fly in the apothecary's ointment.

3. That they be clean and decent, not too full of pomp or oſtentation: ceremonies ſhould be uſed as we uſe a glaſs, rather to preſerve the oil, than to adorn it. Too much pomp cauſeth jealouſies, even in good men, of a degeneration either to Jewiſh ceremonies or popiſh vanities.

4. That though ſuch are not to be rejected, becauſe they are ancient, ſo if they become unſeaſonable, they are not to be held merely becauſe they are ancient. It is with ceremonies, as with ſome other things, that are fitted to be changed when they are become unuſeful or offenſive, as the love-feaſts, extreme-unction, and ſome other things, poſſibly practiſed, and fit enough in the primitive times: many ceremonies were at firſt invented and practiſed, to win over unconverted heathens; to encourage weak Chriſtians, eſpecially the Jews, who were not eaſily to be drawn from their legal ceremonies: but when people become a knowing people, that ſee beyond thoſe ceremonies, and underſtand when, and why, and

how they came in, then it were prudence to dispense with or change them.

5. That they be not urged with too much rigour or severity upon such as conscientiously refuse them. Charity to a weak brother in things indifferent in their own nature, is then to be exercised, when my brother is offended therewith or never: and if it be said it is his duty to submit to the church, and not the church to him, I do think that answer will not serve in this case, for surely though a child owes a duty to a father, yet his neglect thereof, especially if it be upon a conscientious account, will not excuse the neglect of a father's duty to his child: the apostle professed he would abstain from things lawful rather than offend his weak brother.

6. And especially that we be careful to remember that religion is another thing from these ceremonies. These are of use, i. e. for ornament; they are the dressings and the trimmings of religion at the best, but the fear of God is of a higher extraction.

It is a pitiful thing to see men run upon this mistake, especially in these latter times; one placing all his religion in holding the Pope to be Christ's vicar, another placing religion in this, to hold, no Papist can be saved: One holding all religion to consist in holding episcopacy to be *jure divino*; another in holding Presbytery to be *jure divino*; another in crying up congregational government; another in Anabaptism; one in placing all religion in the strict observation of all ceremonies; another in a strict refusal of all: One holding a great part of religion in putting off the hat, and bowing at

he name of Jeſus; another judging a man an ido-ater for it: And a third placing his religion in utting off his hat to none; and ſo like a com-any of boys that blow bubbles out of a walnut-hell, every one runs after his bubble, and calls it religion; and every one meaſures the religion or irreligion of another, by their agreeing or diſſent-ing with them in theſe or the like matters; and, at beſt, while we ſcramble and wrangle about the pieces of the ſhell, the kernel is either loſt, or got-ten by ſome that do not prize any of their con-teſts.

Believe it, religion is quite another thing from all theſe matters: He that fears the Lord of hea-ven and earth, walks humbly before him, thank-fully lays hold of the meſſage of Redemption by Chriſt Jeſus, ſtrives to expreſs his thankfulneſs by the ſincerity of his obedience, is ſorry with all his ſoul when he comes ſhort of his duty, walks watch-fully in the denial of himſelf, and holds no confe-deracy with any luſt or known ſin; if he falls in the leaſt meaſure, is reſtleſs till he hath made his peace by true repentance, is true to his promiſe, juſt in his actions, charitable to the poor, ſincere in his devotions, that will not deliberately diſho-nour God, though with the greateſt ſecurity of impunity; that hath his hope in heaven, and his converſation in heaven, that dare not do an unjuſt act though never ſo much to his advantage, and all this becauſe he ſees him that is inviſible, and fears him becauſe he loves him; fears him as well for his goodneſs as his greatneſs. Such a man, whether he be an Epiſcopal, or a Preſbyterian, or an Independent, or an Anabaptiſt, whether he

wears a ſurplice, or wears none; whether he hears organs, or hears none; whether he kneels at the communion, or for conſcience ſake ſtands or ſits: he hath the life of religion in him, and that life acts in him, and will conform his ſoul to the image of his Savour, and walk along with him to eternity, notwithſtanding his practice or non-practice of theſe indifferents.

On the other ſide, if a man fears not the eternal God, dares commit any ſin with preſumption, can drink exceſſively, ſwear vainly or falſely, commit adultery, lie, cozen, cheat, break his promiſes, live looſely, though he practiſe every ceremony never ſo curiouſly, or as ſtubbornly oppoſe them; though he cry down Biſhops, or cry down Preſbytery; though he be re-baptized every day, or though he diſclaim againſt it as hereſy; though he faſt all Lent, or feaſts out of pretence of avoiding ſuperſtition, yet notwithſtanding theſe, and a thouſand more external conformities, or zealous oppoſitions of them, he wants the life of religion.

CHAP. III.

Of the Chriſtian Religion, the ſuperſtructions upon it, and animoſities about them.

THE Chriſtian religion and doctrine was by the goodneſs and wiſdom of God, deſigned to be the common means and method to bring mankind to their chief end, namely, to know, and

to ſerve, and obey, and glorify, and everlaſtingly to enjoy Almighty God the chiefeſt good.

And to that end it was given out, with all the plainneſs and perſpicuity, with all evidence and certainty; a doctrine and religion containing precepts of all holineſs and purity, of all righteouſneſs and honeſty, of all longanimity, benignity, and gentleneſs, ſweetneſs, meekneſs, and charity; of all moderation and patience, of all ſobriety and temperance; in brief, it is a religion that is admirably and ſufficiently conſtituted to make a man, what indeed he ſhould be, pious towards God, juſt and beneficent towards men, and temperate in himſelf, fitted for a life of piety, honeſty, juſtice, and goodneſs, and happineſs hereafter. Such is the Chriſtian religion, and ſuch the men muſt be that are truly conformable to it; and if any man profeſſing Chriſtianity be not ſuch a man, it is becauſe he comes ſo much ſhort of his due conformity to Chriſtian religion, and the moſt excellent doctrine and precepts thereof.

The profeſſion of this religion is that which is, and for many ages hath been commonly made by a very conſiderable part of the known world, as the only true religion given to the world by Almighty God, through his Son Jeſus Chriſt, wherein and whereby they may expect everlaſting ſalvation.

But yet together with this Chriſtian religion, the profeſſors thereof, have in ſeveral ages and places choſen to themſelves various adventitious accidental ſuperſtructions, additions, opinions, modes and practices, which they have as it were

incorporated into the Christian religion, by the professed or appendicated unto it.

And these superstructions or appendixes of Christian religion have been introduced and entertained by various means, and by various designs and to various ends: Some by the authority of great names; some by insensible gradations of long customs, some by a supposed congruity or incongruity; some for order or decency; some for discrimination of parties; some for political ends, appearing in themselves, or secretly carried on; some upon emergent occasions, either continuing or now ceasing; some by civil, some by ecclesiastical sanctions; some by traditional observations, either continued, or interrupted and revived: Some for ornament, some for use, some as supposed necessary consequents upon the Christian doctrine, some to be *quasi septa et munimenta doctrinæ et religionis evangelicæ*, as the Jewish traditions were supposed to be the *Sepimenta Legis*; some for one end and some for another: And although these are not truly and essentially parts of the Christian religion, yet as the humours in the body are some good, some noxious, some innocent, though they are no part of the true vital blood, yet they mingle with it, and run along in it; so these superstitions, and occasions, and additions, have in various ages, successions and places, mingled with the true radical vital doctrine and religion of Christ, in mens opinions, and practices, and professions.

And yet it is visible to any man, that will but attentively observe the courses of men professing Christian religion, that the greatest fervour and

animosity of the professors of Christian religion is not so much with respect to the substantials of Christian religion either in things to be believed or practised, as touching these additions and superstructions; some as fervently contending for them, as if the life of Christianity consisted in them, some as bitterly and severely contesting against them, as if the life and soul of Christian religion were not possibly consisting with them.

And by these means these unhappy consequences follow.

1. That, whereas the main of Christian religion, consists in the true belief of the gospel of Christ Jesus, and the practice of those Christian virtues that he left unto his disciples, and followers, both by his example and precept, namely, love of God, holiness and purity of life, humility and lowliness of mind; patience, meekness, gentleness, charity, a low and easy value of the world, contentation of mind, submission to the will of God, dependance upon him, resignation unto him, and other excellent evangelical virtues, that perfect and rectify the soul, and fit it for an humble communion with Almighty God in this life, and a blessed fruition of his presence in the life to come; the Christian religion is not so much placed in these, as in an entire conformity to modes and circumstances, or an extreme aversion from them. And, according to the various interests or inclinations of parties, those are made the *Magnalia* of Christian religion, and such as give the only character or discriminative indication of the Christian religion.

2. And consequently all the greatest part of

that ſtreſs and fervour of mind, which ſhould be employed in thoſe great weighty ſubſtantials of Chriſtianity, runs out and ſpends itſelf in thoſe little collaterals, and ſuperſtructions, and additaments, ſome placing the greateſt earneſtneſs and intention, contention of mind to have them, and ſome placing the intention and fervour of their mind to be without them, not unlike thoſe old contentions between the eaſtern and weſtern churches touching the time of the paſchal obſervation, one party excommunicating the other for their diſſent, as if the whole weight and ſtreſs of the Chriſtian religion lay in thoſe little additaments.

3. And hereupon there ariſe ſchiſms, factions, and perſonal animoſities, diſcrimination of parties, cenſoriouſneſs, and ſtudied eſtrangings of profeſſors of Chriſtianity, oftentimes one party declining thoſe practices which are good and commendable in the other, to keep their diſtances the more irreconcileable, and each party eſpouſing ſome odd diſcriminating habits, modes, and ſometimes alſo by opinion in matters of religion, that may eſtrange and diſcriminate them each from the other; and theſe opinions, though of little moment or conſequence, (it may be whether true or falſe) are advanced up into leſs than articles of faith, for the ſake of this diſcrimination, when poſſibly they are of little moment, whether they be aſſented unto or not, of leſs certainty, and have little or no influence or concern in the ſubſtance of Chriſtian doctrine.

4. And hereupon it oftentimes comes to paſs, that not only the common bond of charity and

Chriſtian love is broken between the profeſſors of the ſame ſubſtantials in Chriſtianity, but there is moſt ordinarily much more feverity, and perſecution, and implacableneſs, and irreconcileableneſs, more endeavours to undermine and ſupplant, and diſgrace diſſenters, more ſcorns, and vilifying, and reproach, and inſolence one towards another in their viciſſitudes of advantage, than there is between profeſſors of Chriſtianity, and men of the moſt looſe and prophane lives, between Orthodox and Heretics, nay, between Chriſtians and Turks, or Infidels many times.

5. And from this there ariſeth a moſt fruitful, and a moſt inevitable increaſe of atheiſm, and contempt of religion, in many of the ſpectators of this game among profeſſors of the Chriſtian religion, and that upon theſe two accounts: Principally, becauſe when they hear each party, declare, (as they muſt if they declare truth) in their ſermons and writings, that the doctrine of Chriſtianity enjoins mutual love, condeſcenſion, charity, gentleneſs, meekneſs, and yet ſo little practiſed by diſſenting parties, men are apt to conclude, that either theſe perſons do not believe what they pretend to preach and publiſh, or that the doctrine of Chriſtianity was a notion and ſpeculation, and never intended as a neceſſary rule of practice, ſince the greateſt pretenders to the religion of Chriſt, practiſe ſo little of it.

2. Becauſe when men ſee that thoſe little ſuperſtructions and additions are by the one ſide profecuted, and on the other ſide decried, with as much animoſity, fervour, and ſeverities, as the moſt weighty and important truths, and precepts

how they came in, then it were prudence to dispense with or change them.

5. That they be not urged with too much rigour or severity upon such as conscientiously refuse them. Charity to a weak brother in things indifferent in their own nature, is then to be exercised, when my brother is offended therewith, or never: and if it be said it is his duty to submit to the church, and not the church to him, I do think that answer will not serve in this case, for surely though a child owes a duty to a father, yet his neglect thereof, especially if it be upon a conscientious account, will not excuse the neglect of a father's duty to his child: the apostle professed he would abstain from things lawful rather than offend his weak brother.

6. And especially that we be careful to remember that religion is another thing from these ceremonies. These are of use, i. e. for ornament; they are the dressings and the trimmings of religion at the best, but the fear of God is of a higher extraction.

It is a pitiful thing to see men run upon this mistake, especially in these latter times; one placing all his religion in holding th Pope to be Christ's vicar, another placing religion in this, to hold, no Papist can be saved: One holding all religion to consist in holding epi copacy to be *jure divino*; another in holding Presbytery be *jure divino*; another in crying up congre al gover another in Anabaptism; in the strict observation in a strict refusal of of religion in pur

of ſomething annexed or appendicated to religion, to make it pleaſing to their appetite. A certain fauce that may entertain their fancy, after which it may run, and wherein it may pleaſe itſelf. And theſe ſauces to religion are various, and variouſly pleaſing, according to the various inclinations of men: Moſt ordinarily the fancies of men affect ſome things ſplendid and ſenſible to be ſuperadded to religion; the Iſraelites would needs have gods that might go before them; and in compliance with this humour, moſt of the ſtrange modes and geſticulations among the Heathens, and moſt of the ſuperſtitious ceremonies and rites among the Papiſts, were invented.

Again, ſometimes the humour of the people runs in the other extreme, either they will have nothing of form or order, or all ſuch forms or orders, as are extremely oppoſite to what others uſe, and place their delight and complacency therein: And by this means oftentimes it comes to paſs, that men are carried with greater earneſtneſs and vehemence after thoſe placentia, the entertainments of their fancies, than to the true ſubſtance of religion itſelf.

4. Oftentimes it comes to paſs, that there are two very jealous concerns, and impatient of any corrival, that are engaged each againſt other in theſe different and diſſenting practices, relating to collaterals in religion; on the one ſide, power and authority is very tender of its own intereſt, and jealous of a competitor or rival: On the other ſide, conſcience and perſuaſion, either of the neceſſity or unlawfulneſs of any thing, is very jealous or fearful, and ſuſpicious of any thing that might

a ſoul to care for; and hence it is that ſcarce any great conteſt between princes hath happened in theſe latter years, nor ſcarce any commotion in a ſtate, but religion is owned on all ſides; and God, and his cauſe, and his church, owned on all hands, and therefore ſtill the ſcramble is for religion, and who ſhall keep the opinion of religion moſt firm to them; and therefore they, on all hands, infuſe into the thing they call religion, thoſe things that may moſt probably and politically hold to their party.

Again, in conteſt among clergymen, every one trims and orders religion in that dreſs, that may moſt make it their own, and ſecure it to themſelves.

Take the Popiſh clergymen: hold what you will, if you hold not the ſupremacy and vicariot of the Pope, all the reſt of your religion is not worth a ruſh.

Come to the reformed epiſcopal clergy: as to the Pope's ſupremacy they diſclaim it; but if you acknowledge not epiſcopal government, if you ſwear not canonical obedience to your ordinary, if you ſubmit not to the liturgy, and ceremonies, and veſtments, and muſic uſed in the church, you are at beſt a ſchiſmatic.

Again, come to the Preſbyterian clergy, they will tell you Epiſcopal government is Romiſh and ſuperſtitious, and their ceremonies and uſages, Antichriſtian uſurpations; but if you mean to be of a warrantable religion, you muſt ſubmit to the Preſbyterian government, as truly apoſtolical.

Come to the Independent, he declaims againſt both the former, and tells you, that the true con-

formity to apoſtolical order is in the congregational way.

Take the Anabaptiſt, and he tells you all the former are vain and irreligious, unleſs you will be re-baptized, and enliſted in their church.

Again, in points of doctrine, as well as diſcipline, it is moſt plain, that tenets are profeſſed or decried for diſtinction of parties: witneſs the conteſt between the Arminian party, and the Calviniſtical party, which are only uſed as methods on either ſide, to attract proſelytes, and diſtinguiſh parties: and in theſe and the like diſtinctions of parties and profeſſions, the ſuperſtructions and additions, are in a manner incorporated and grafted into religion, and in effect give the only demonſtration to it, according to the various intereſts and affections of parties; when in truth, the main buſineſs of theſe, and the like additions and ſuperſtructions, are but policies to diſtinguiſh, and fortify, and increaſe parties.

3. There are ſome ſuper-additions to religion, that though I do not think they are to be condemned, yet are carefully to be diſtinguiſhed from the true and natural life of religion; and ſo long as they are kept under that apprehenſion, they may, if prudently applied and managed, do good. But if either they are imprudently inſtituted, imprudently applied, or inconſiderably over-valued, as if they were religion, they may, and many times do harm; and ſuch are decent and inoffenſive forms in the external worſhip of God appointed by the civil magiſtrate, by the advice of thoſe that are deſervedly eminent in the church for their

piety, learning, and prudence. And there ſeems to be very good reaſon for it.

1. Becauſe, if every man ſhould be left to himſelf, there would confuſion enſue; becauſe no man knew another's mind, or rule of his external deportment.

2. All men have not that equal prudence to judge what were fit to be uſed: the magiſtrates are beſt to make choice of thoſe perſons that are fitteſt to adviſe, and their recommendations would be of greateſt authority with others.

3. It is moſt certain, that man being compoſed of ſoul and body, cannot ſo regularly and well fix himſelf to his duty, without ſome juſtifiable help to his devotion; ſuch are vocal prayers, kneeling, and other geſtures proper for the matter of worſhip which he intends.

And this may be one reaſon, why the Lord, though he ſtrictly forbad all idolatry and ſuperſtition, and heatheniſh practice to the Jews, yet did appoint ſacrifices, prieſts, a glorious tabernacle, and the ark, which was not only a diverſion from the Egyptian idolatry, which they had ſeen, but alſo a help to their natural infirmity for the excitation of their devotion.

And although our Lord Jeſus came to abrogate even that indulgence, and foretold that thoſe that "worſhipped the Father, ſhould worſhip in ſpirit, and in truth," under the goſpel; yet it is certain, that the immediate apoſtles of Chriſt did ſet certain orderly obſervances in the church for decency's ſake; and it was juſtly allowable: as concerning the order of the exerciſe of their ſupernatural gifts, concerning women's ſpeaking in the

church, concerning men's being covered in the church, and women veiled; concerning the manner and order of receiving the ſacrament, and the like.

But as there be reaſons for it, ſo there be cautions to be uſed in it.

1. That they be not too numerous; for their multitude will rather oppreſs than ſecure religion.

2. That in their natures they be not ſuperſtitious, but keep as much diſtance from it as well may be; otherwiſe they will be in religion, as the dead fly in the apothecary's ointment.

3. That they be clean and decent, not too full of pomp or oſtentation: ceremonies ſhould be uſed as we uſe a glaſs, rather to preſerve the oil, than to adorn it. Too much pomp cauſeth jealouſies, even in good men, of a degeneration either to Jewiſh ceremonies or popiſh vanities.

4. That though ſuch are not to be rejected, becauſe they are ancient, ſo if they become unſeaſonable, they are not to be held merely becauſe they are ancient. It is with ceremonies, as with ſome other things, that are fitted to be changed when they are become unuſeful or offenſive, as the love-feaſts, extreme-unction, and ſome other things, poſſibly practiſed, and fit enough in the primitive times: many ceremonies were at firſt invented and practiſed, to win over unconverted heathens; to encourage weak Chriſtians, eſpecially the Jews, who were not eaſily to be drawn from their legal ceremonies: but when people become a knowing people, that ſee beyond thoſe ceremonies, and underſtand when, and why, and

as well as mimical imitations and disdainful mockings of those persons, and that party whom he designs to disparage: scarce a page but some unhandsome mention of the Spirit, and Christ, and grace, and saints, and some Scripture expressions; and if it shall be said, that he doth it but only in exprobation of such persons as abused or misapplied such expressions, and it is not with intent to reproach the Scripture, or those phrases that are assumed from it, but to show the boldness and mistakes of them that have misapplied or abused them.

I answer, 1. That these misapplications and inconsiderate uses of Scripture phrases by them, though it be justly reproveable, yet it is far more intolerable in him. Though their mistakes were weak and foolish, yet they were serious in those very mistakes; but this man industriously and designedly makes the expression ridiculous and contemptible: 2. Their abuses of Scriptures and Scripture phrases will not at all justify the like in him, though in another kind, and to another end, he might have learned to have avoided the folly and inconsiderateness of the others, and not have multiplied it in himself by a worse method of abuse.

Certainly, whoever he was that made these conferences, I dare say, he had no such pattern of writing from the apostles or fathers. The neareſt copy that I know of it is the A——, and though he seems a man of wit and learning, and possibly would be somebody in the world, I dare say, they that cherish him in the main of his design, are ashamed of his scurrility, and wish it had been

ſpared, and ſo perchance may he be when more years have better conſideration. The miſchiefs that come by this manner of writing are very great and many.

1. Firſt, it makes differences irreconcileable. When differences civil or eccleſiaſtical in judgment or practice happen, gentleneſs, ſoftneſs, mildneſs, and perſonal reſpectfulneſs quiet the paſſions and ſpirits of the adverſe party, gain upon him, get within him; and when the perſon is thus won, and over-matched with ſweetneſs, and kindneſs, and perſonal jealouſies, and prejudices removed, perſuaſions and arguments grow prevalent, come with their full weight, are entertained calmly and conſiderately, and inſenſibly gain ground even upon the judgment: but I never yet knew any man converted by an angry, paſſionate, railing adverſary, for ſuch kind of behaviour preſently raiſeth in the adverſary the like paſſions and prejudice, and makes the diſtance greater; and the paſſions being engaged in the quarrel, the judgments of both ſides are loſt, or blinded, or ſilenced with the duſt and noiſe of paſſionate digladiations; and, indeed, conſidering how apparently and evidently ſuch kind of dealing between Diſſenters, renders compoſures almoſt impoſſible, and yet obſerving how much this courſe of reviling, and opprobrious, and unmanly, as well as unchriſtian language, is in practice, I thought that it hath been a real deſign to render each party odious and irreconcileable to the other, and the hopes of compoſure deſperate. For who can ever expect that any man, or any ſort of men, ſhould be drawn over to that party that ſhall publicly ſtile him brain-

ſick, a fool, ſilly, hypocrite, frantic, and a hundred ſuch ſcornful appellations? or, that men will be eaſily drawn to relinquiſh thoſe opinions or perſuaſions, when they muſt thereby in effect ſubſcribe to ſuch epithets and appellations before all the world? and of all things in the world, men can with the leaſt patience bear reflections upon their intellectuals, and are moſt irreconcileable to them that traduce or abuſe them therein.

2. It greatly diſadvantageth the cauſe as well as the perſons of thoſe that uſe this method amongſt ſober indifferent obſervers, who will be ready to conclude them a parcel of people tranſported by paſſions, weak, and prejudicated; and look upon ſuch a caſe as is maintained by railing, ſcoffing, raillery and unproved calumnies, as weak, and ſtanding in need of ſuch rudeneſs to ſupport and maintain it.

3. It expoſeth religion itſelf to the deriſion of Atheiſts, and confirms them in their atheiſm, and gains them too many proſelytes; and that principally upon theſe reaſons. 1. Becauſe they find that clergymen do tell them in the pulpits, that Chriſt himſelf, and his Apoſtles condemned railing, ſcandalous appellations, as Racha, and fool, evil-ſpeaking, fooliſh jeſting, mocking, reviling; this they tell men, and they tell them truly, and yet theſe very men that call themſelves miniſters of Chriſt, meſſengers of the goſpel of peace, take that admirable liberty of reproaching, ſcoffing, and deriding one another in their public pamphlets and diſcourſes; that can ſcarce be exampled among the moſt invective ranks of perſons, whoſe trade it is to be ſatirical, and render people ridi-

culous: nay, ſo far hath this excellent manage prevailed among clergymen, that their ſcoffs and reproaches are not levelled at the perſons, or perſonal defects of Diſſenters, but rather than want ſupports for their party, will have ugly flings at religion itſelf, at ſcripture expreſſions: And when men ſee ſuch a courſe of practice among the preachers and clergymen, they are ready to conclude, that ſurely they believe not themſelves what they preach to others; therefore think they have a fair pretence not to believe them.

2. But principally theſe great animoſities and tranſports of Diſſenting clergymen, confirms and promotes atheiſm, upon this account, that the things about which this wonderful hate is ſtrucken between theſe parties, are ſuch as both parties agree to be none of the fundamentals of the religion profeſſed by both, but acceſſaries and acceſſions, and ſuch indeed as by-ſtanders think are of very ſmall moment; and yet when men ſee ſo much heat and paſſion, ſo much fervour and contention, ſuch reproaches and revilings, ſuch exaſperations of authority on either party, ſuch mutual proſecutions one of another, that more could not poſſibly be done between Diſſenters in thoſe points which both agree to be fundamental. Atheiſtical ſpirits are apt to conclude, that probably thoſe points, that both ſides ſuppoſed to be of greater moment, are *ejuſdem farinæ*, with thoſe in conteſts, ſince they are not, nor cannot be proſecuted with greater fervour, than theſe, which all men take to be ſmall and inconſiderable, and that it is intereſt, vain-glory, and applauſe, or ſome other temporal concern, that gives this fervour and zeal in mat-

ters of religion, more than the true concerns of itſelf. The concluſion therefore is, that men for their own ſakes, and for the ſake and honour of the Chriſtian religion, would uſe more temperance, prudence, and moderation, in conteſts about circumſtantials.

ADDITIONAL NOTES

OF THE

LIFE AND DEATH

OF

SIR MATTHEW HALE, Knt.

Written by RICHARD BAXTER,

At the Requeſt of EDWARD STEPHENS, Eſq; Publiſher of his Contemplations, and his familiar Friend.

TO THE READER.

SINCE the hiſtory of judge Hale's life is publiſhed (written by Dr. Burnet very well) ſome men have thought, that becauſe my familiarity with him was known, and the laſt time of a man's life is ſuppoſed to contain his matureſt judgment, time, ſtudy, and experience correcting former overſights; and this great man who was moſt diligently and thirſtily learning to the laſt, was like to be ſtill wiſer, the notice that I had of him in the latter years of his life ſhould not be omitted.

I was never acquainted with him till 1667, and therefore having nothing to ſay of the former part of his life; nor of the latter, as to any public affairs, but only of what our familiar converſe

acquainted me: but the visible effects made me wonder at the industry and unwearied labours of his former life. Besides the four volumes against atheism and infidelity, in folio, which I after mention, when I was desired to borrow a manuscript of his law collections, he shewed me, as I remember, about two and thirty folios, and told me, he had no other on that subject, (collections out of the tower records, &c.) and that the amanuensis work that wrote them, cost him a thousand pound. He was so set on study, that he resolvedly avoided all necessary diversions, and so little valued either grandeur, wealth, or any worldly vanity, that he avoided them to that notable degree, which incompetent judges took to be an excess. His habit was so coarse and plain, that I, who am thought guilty of a culpable neglect therein, have been bold to desire him to lay by some things which seemed too homely. The house which I surrendered to him, and wherein he lived at Acton, was indeed well situate but very small, and so far below the ordinary dwellings of men of his rank, as that divers farmers thereabout had better; but it pleased him. Many censured him for chusing his last wife below his quality: but the good man more regarded his own daily comfort, than men's thoughts and talk. As far as I could discern, he chose one very suitable to his ends; one of his own judgment and temper, prudent and loving and fit to please him; and that would not draw on him the trouble of much acquaintance and relations. His housekeeping was according to the rest, like his estate and mind, but not like his place and honour: for he resolved never to grasp at riches, nor take great

fees, but would refuſe what many others thought too little. I wondered when he told me how ſmall his eſtate was, after ſuch ways of getting as were before him: but as he had little, and deſired little, ſo he was content with little, and ſuited his dwelling, table, and retinue thereto. He greatly ſhunned the viſits of many, or great perſons, that came not to him on neceſſary buſineſs, becauſe all his hours were precious to him, and therefore he contrived the avoiding of them, and the free enjoyment of his beloved privacy.

I muſt with a glad remembrance acknowledge, that while we were ſo unſuitable in places and worth, yet ſome ſuitableneſs of judgment and diſpoſition made our frequent converſe pleaſing to us both. The laſt time ſave one, that I was at his houſe, he made me lodge there, and in the morning inviting me to more frequent viſits, ſaid no man ſhall be more welcome; and he was no diſſembler. To ſignify his love, he put my name as a legatee in his will, bequeathing me forty ſhillings. Mr. Stephens gave me two manuſcripts, as appointed by him for me, declaring his judgment of our church contentions and their cure (after mentioned.) Though they are imperfect as written on the ſame queſtion at ſeveral times, I had a great mind to print them, to try whether the common reverence of the author would cool any of our contentious clergy: but hearing that there was a reſtraint in his will, I took out part of a copy in which I find theſe words, "I do expreſsly declare, that I will have nothing of my writings printed after my death, but only ſuch as I ſhall in my life-time deliver out to be printed." And

not having received this in his life-time, nor to be printed in expreſs terms, I am afraid of croſſing the will of the dead, though he ordered them for me.

It ſhewed his mean eſtate as to riches, that in his will he is put to diſtribute the profits of a book or two when printed, among his friends and ſervants. Alas! we that are great looſers by printing, know that it muſt be a ſmall gain that muſt thus accrue to them. Doubtleſs, if the lord chief juſtice Hale had gathered money as other lawyers do that had leſs advantage, as he wanted not will, ſo he would not have wanted power to have left them far greater legacies. But the ſervants of a ſelf denying mortified maſter, muſt be content to ſuffer by his virtues, which yet if they imitate him, will turn to their final gain.

God made him a public good, which is more than to get riches. His great judgment and known integrity, commanded reſpect from thoſe that knew him; ſo that I verily think, that no one ſubject ſince the days that hiſtory hath notified the affairs of England to us, went off the ſtage with greater and more univerſal love and honour; (and what honour without love is, I underſtand not.) I remember when his ſucceſſor, the lord chief juſtice Rainsford, falling into ſome melancholy, came and ſent to me for ſome advice, he did it as he ſaid, becauſe judge Hale deſired him ſo to do; and expreſſed ſo great reſpect to his judgment and writings, as I perceived much prevailed with him. And many have profited by his contemplations, who would never have read them, had they been written by ſuch a one as I. Yet

among all his books and diſcourſes, I never knew of theſe until he was dead.

His reſolution for juſtice was ſo great, that I am perſuaded, that no wealth nor honour would have hired him knowingly to do one unjuſt act.

And though he left us in ſorrow, I cannot but acknowledge it a great mercy to him, to be taken away when he was. Alas! what would the good man have done, if he had been put by plotters, and traitors, and ſwearers, and forſwearers, upon all that his ſucceſſors have been put to? In likelihood, even all his great wiſdom and ſincerity, could never have got him through ſuch a wilderneſs of thorns, and briars, and wild beaſts, without tearing in pieces his entire reputation, if he had never ſo well ſecured his conſcience. O! how ſeaſonably did he avoid the tempeſt and go to Chriſt.

And ſo have ſo many excellent perſons ſince then, and eſpecially within the ſpace of one year, as may well make England tremble at the prognoſtic, that the righteous are taken as from the evil to come. And alas! what an evil is it like to be? We feel our loſs. We fear the common danger. But what believer can chuſe but acknowledge God's mercy to them, in taking them up to the world of light, love, peace and order, when confuſion is coming upon this world, by darkneſs, malignity, perfidiouſneſs and cruelty. Some think that the laſt conflagration ſhall turn this earth into hell. If ſo who would not firſt be taken from it? And when it is ſo like to hell already, who would not rather be in heaven?

Though ſome miſtook this man for a mere philoſopher or humaniſt, that knew him not within;

yet his moſt ſerious deſcription of the ſufferings of Chriſt, and his copious volumes to prove the truth of the ſcripture, chriſtianity, our immortality, and the Deity, do prove ſo much reality in his faith and devotion, as makes us paſt doubt of the reality of his reward and glory.

When he found his belly ſwell, his breath and ſtrength much abate, and his face and fleſh decay, he chearfully received the ſentence of death: and though Dr. Gliſſon by mere oximel ſquilliticum, ſeemed a while to eaſe him, yet that alſo ſoon failed him; and he told me, he was prepared and contented comfortably to receive his change. And accordingly he left us, and went into his native country of Glouceſterſhire to die, as the hiſtory tells you.

Mr. Edward Stephens being moſt familiar with him, told me his purpoſe to write his life: and deſired me to draw up the mere narrative of my ſhort familiarity with him; which I did as followeth: by hearing no more of him, caſt it by; but others deſiring it, upon the ſight of the publiſhed hiſtory of his life by Dr. Burnet, I have left it to the diſcretion of ſome of them, to do with it what they will.

And being half dead already in thoſe deareſt friends who were half myſelf, am much the more willing to leave this mole-hill, and priſon of earth, to be with that wiſe and bleſſed ſociety, who being united to their head in glory, do not envy, hate, or perſecute each other, nor forſake God, nor ſhall ever be forſaken by him.

R. B.

Note, That this narrative was written two years before Dr. Burnet's; and it is not to be doubted, but that he had better information of his manuſcripts, and ſome other circumſtances, than I. But of thoſe manuſcripts directed to me, about the ſoul's immortality, of which I have the originals under his hand, and alſo of his thoughts of the ſubjects mentioned by me, from 1671, till he went to die in Glouceſterſhire, I had the fulleſt notice.

ADDITIONAL NOTES

ON THE LIFE AND DEATH OF *SIR MATTHEW HALE*, Knt.

To my Worthy Friend Mr. STEPHENS, the Publiſher of Judge HALE's Contemplations.

SIR,

YOU deſired me to give you notice of what I knew in my perſonal converſe, of the great lord chief juſtice of England, ſir Matthew Hale. You have partly made any thing of mine unmeet for the ſight of any but yourſelf and his private friends (to whom it is uſeleſs) by your divulging thoſe words of his extraordinary favour to me, which will make it thought, that I am partial in his praiſes. And indeed that exceſſive eſteem of his, which you have told men of, is a divulging of his imperfection, who did over-value ſo unworthy a perſon as I know myſelf to be.

I will promiſe you to ſay nothing but the truth; and judge of it and uſe it as you pleaſe.

My acquaintance with him was not long: and I looked on him as an excellent perſon ſtudied in his own way, which I hoped I ſhould never have occaſion to make much uſe of; but I thought not

ſo verſed in our matters as ourſelves. I was confirmed in this conceit by the firſt report I had from him, which was his wiſh, that Dr. Reignolds, Mr. Calamy, and I, would have taken biſhoprics, when they were offered us by the lord chancellor, as from the king, in 1660, (as one did.) I thought he underſtood not our caſe, or the true ſtate of Engliſh prelacy. Many years after when I lived at Acton, he being lord chief baron of the exchequer, ſuddenly took a houſe in the village. We ſat next ſeats together at church for many weeks, but neither did he ever ſpeak to me or I to him. At laſt, my extraordinary friend (to whom I was more beholden than I muſt here expreſs,) ſerjeant Fountain, aſked me, why I did not viſit the lord chief baron? I told him, becauſe I had no reaſon for it, being a ſtranger to him; and had ſome againſt it, viz. that a judge, whoſe reputation was neceſſary to the ends of his office, ſhould not be brought under court ſuſpicion, or diſgrace, by his familiarity with a perſon, whom the intereſt and diligence of ſome prelates had rendered ſo odious, as I knew myſelf to be with ſuch, I durſt not be ſo injurious to him. The ſerjeant anſwered, it is not meet for him to come firſt to you; I know why I ſpeak it: let me intreat you to go firſt to him. In obedience to which requeſt I did it; and ſo we entered into neighbourly familiarity. I lived then in a ſmall houſe, but it had a pleaſant garden and backſide, which the (honeſt) landlord had a deſire to ſell. The judge had a mind to the houſe; but he would not meddle with it, till he got a ſtranger to me, to come and enquire of me whether I was willing to leave it? I told him, I was

not only willing but desirous, not for my own ends, but for my landlord's sake, who must needs sell it: and so he bought it, and lived in that poor house, till his mortal sickness sent him to the place of his interment.

I will truly tell you the matter and the manner of our converse. We were oft together, and almost all our discourse was philosophical, and especially about the nature of spirits and superior regions; and the nature, operations, and immortality of man's soul. And our disposition and course of thoughts, were in such things so like, that I did not much cross the bent of his conference. He studied physics, and got all new or old books of philosophy that he could meet with, as eagerly as if he had been a boy at the university. Mousnerius, and Honoratus Faber, he deservedly much esteemed; but yet took not the latter to be without some mistakes. Mathematics he studied more than I did, it being a knowledge which he much more esteemed than I did; who valued all knowledge by the greatness of the benefit, and necessity of the use; and my unskilfulness in them, I acknowledge my great defect, in which he much excelled. But we were both much addicted to know and read all the pretenders to more than ordinary in physics; the Platonists, the Peripatetics, the Epicureans (and especially their Gassendus,) Teleius, Campanella, Patricius, Lullius, White, and every sect that made us any encouraging promise. We neither of us approved of all in Aristotle; but he valued him more than I did. We both greatly disliked the principles of Cartesius and Gassendus (much more of the bruitists, Hobbs

and Spinoſa;) eſpecially their doctrine de motu, and their obſcuring, or denying nature itſelf, even the principia motus, the virtutes formales, which are the cauſes of operations.

Whenever we were together, he was the ſpring of our diſcourſe (as chuſing the ſubject:) and moſt of it ſtill was of the nature of ſpirits, and the immortality, ſtate, and operations of ſeparated ſouls. We both were conſcious of human darkneſs, and how much of our underſtandings, quiet in ſuch matters, muſt be fetched from our implicit truſt in the goodneſs and promiſes of God, rather than from a clear and ſatisfying conception of the mode of ſeparated ſouls operations; and how great uſe we have herein of our faith in Jeſus Chriſt, as he is the undertaker, mediator, the Lord and lover of ſouls, and the actual poſſeſſor of that glory. But yet we thought, that it greatly concerned us, to ſearch as far as God allowed us, into a matter of ſo great moment; and that even little and obſcure proſpects into the heavenly ſtate, are more excellent than much and applauded knowledge of tranſitory things.

He was much in urging difficulties and objections; but you could not tell by them what was his own judgment: for when he was able to anſwer them himſelf, he would draw out anothers anſwer.

He was but of a ſlow ſpeech, and ſometimes ſo heſitating, that a ſtranger would have thought him a man of low parts, that knew not readily what to ſay (though ready at other times.) But I never ſaw Cicero's doctrine de Oratore, more verified in any man, that furniſhing the mind with all ſorts of knowledge, is the chief thing to make

an excellent orator: for when there is abundance and clearneſs of knowledge in the mind, it will furniſh even a ſlow tongue to ſpeak that which by its congruence and verity ſhall prevail. Such a one never wants moving matter, nor an anſwer to vain objectors.

The manner of our converſe was as ſuitable to my inclination as the matter. For whereas many bred in univerſities, and called ſcholars, have not the wit, manners, or patience, to hear thoſe that they diſcourſe with ſpeak to the end, but through liſt and impotency cannot hold, but cut off a man's ſpeech when they hear any thing that urgeth them, before the latter part make the former intelligible or ſtrong (when oft the proof and uſe is reſerved to the end,) liker ſcolds than ſcholars; as if they commanded ſilence at the end of each ſentence to him that ſpeaketh, or elſe would have two talk at once. I do no not remember, that ever he and I did interrupt each other in any diſcourſe. His wiſdom and accuſtomed patience cauſed him ſtill to ſtay for the end. And though my diſpoſition have too much forwardneſs to ſpeak, I had not ſo little wit or manners, as to interrupt him; whereby we far better underſtood each other, than we could have done in chopping and maimed diſcourſe.

He was much for coming to philoſophical knowledge by the help of experiments: but he thought, that our new philoſophers, as ſome call the Carteſians, had taken up many fallacies as experiments, and had made as unhappy a uſe of their trials, as many emperics and mountebanks do in medicine: and that Ariſtotle was a

man of far greater experience, as well as ſtudy, than they. He was wont to ſay, that lads at the univerſities had found it a way to be thought wiſer than others, to join with boaſters that cried down the ancients before they underſtood them: for he thought that few of theſe contemners of Ariſtotle, had ever ſo far ſtudied him, as to know his doctrine, but ſpoke againſt they knew not what; even as ſome ſecular theologues take it to be the way to be thought wiſe men and orthodox, to cant againſt ſome party or ſect which they have advantage to contemn. It muſt coſt a man many years ſtudy to know what Ariſtotle held. But to read over Magirus (and perhaps the Conimbricenſes or Zabarell,) and then prate againſt Ariſtotle, requireth but a little time and labour. He could well bear it, when one that had thoroughly ſtudied Ariſtotle, diſſented from him in any particular upon reaſon; but he loathed it in ignorant men, that were carried to it by ſhameful vanity of mind.

His many hard queſtions, doubts and objections to me, occaſioned me to draw up a ſmall tract of the nature and immortality of man's ſoul, as proved by natural light alone (by way of queſtions and anſwers:) in which I had not baulked the hardeſt objections and difficulties that I could think of (conceiving that atheiſts and ſadducees are ſo unhappily witty, and ſatan ſuch a tutor, that they are as like to think of them as I.) But the good man, when I ſent it to him, was wiſer than I, and ſent me word in his return, that he would not have me publiſh it in Engliſh (nor without ſome alterations of the method;) becauſe though he thought I had ſufficiently anſwered all the objec-

tions, yet ordinary readers would take deeper into their minds ſuch hard objections as they never heard before, than the anſwer (how full ſoever) would be able to overcome: whereupon, not having leiſure to tranſlate and alter it, I caſt it by.

He ſeemed to reverence and believe the opinion of Dr. Willis, and ſuch others, *de animis brutorum*, as being not ſpiritual ſubſtances. But when I ſent him a confutation of them, he ſeemed to acquieſce, and as far as I could judge, did change his mind; and had higher thoughts of ſenſitive natures, than they that take them to be ſome evanid qualities, proceeding from contexture, attemperation, and motion.

Yet he and I did think, that the notion of immateriality, had little ſatisfactory to acquaint us with the nature of a ſpirit (not telling us any thing what it is, but what it is not.) And we thought, that the old Greek and Latin doctors (cited by Fauſtus Rhegiculis, whom Mamertus anſwereth,) did mean by a body or matter (of which they ſaid ſpirits did conſiſt,) the ſame thing as we now mean by the ſubſtance of ſpirits, diſtinguiſhing them from mere accidents. And we thought it a matter of ſome moment, and no ſmall difficulty, to tell what men mean here by the word [ſubſtance,] if it be but a relative notion, becauſe it doth *ſubſtare accidentibus et ſubſiſtere per ſe*, relation is not proper ſubſtance. It is ſubſtance that doth ſo ſubſiſt: it is ſomewhat, and not nothing, nor an accident. Therefore if more than relation muſt be meant, it will prove hard to diſtinguiſh ſubſtance from ſubſtance by the notion of

immateriality. Souls have no ſhadows: they are not palpable and groſs; but they are SUBSTANTIAL LIFE, as VIRTUES. And it is hard to conceive, how a created *vis vel virtus* ſhould be the adequate *conceptus* of a ſpirit, and not rather an inadequate, ſuppoſing the *conceptus* of *ſubſtantia fundamentalis* (as Dr. Gliſſon calls it *de vita naturæ*,) ſeeing *omnis virtus eſt rei alieni virtus.*

Yet he yielded to me, that *virtus ſeu vis vitalis*, is not *animæ accidens*, but the *conceptus formalis ſpiritus*, ſuppoſing *ſubſtantia* to be the *conceptus fundamentalis:* and both together expreſs the eſſence of a ſpirit.

Every created being is paſſive; for *recipit in fluxum cauſæ primæ.* God tranſcendeth our defining ſkill: but where there is receptivity, many ancients thought there were ſome pure ſort of materiality: and we ſay, there is receptive ſubſtantiality: and who can deſcribe the difference (laying aſide the formal virtues that difference things) between the higheſt material ſubſtance, and the loweſt ſubſtance, called immaterial.

We were neither of us ſatisfied with the notions of penetrability and indiviſibility, as ſufficient differences. But the *virtutes ſpecificæ* plainly difference.

What latter thoughts, a year before he died, he had of theſe things, I know not: but ſome ſay, that a treatiſe of this ſubject, the ſoul's immortality, was his laſt finiſhed work (promiſed in the end of his treatiſe of man's origination;) and if we have the ſight of that, it will fuller tell us his judgment.

One thing I muſt notify to you, and to thoſe

that have his manuſcripts, that when I ſent him a ſcheme, with ſome elucidations, he wrote me on that and my treatiſe of the ſoul, almoſt a quire of paper of animadverſions; by which you muſt not conclude at all of his own judgment: for he profeſſed to me, that he wrote them to me, not as his judgment, but (as his way was) as the hardeſt objections which he would have ſatisfaction in. And when I had written him a full anſwer to all, and have been oft ſince with him, he ſeemed ſatisfied. You will wrong him therefore, if you ſhould print that written to me as his judgment.

As to his judgment about religion; our diſcourſe was very ſparing about controverſies. He thought not fit to begin with me about them, nor I with him: and as it was in me, ſo it ſeemed to be in him, from a conceit, that we were not fit to pretend to add much to one another.

About matters of conformity, I could gladly have known his mind more fully: but I thought it unmeet to put ſuch queſtions to a judge, who muſt not ſpeak againſt the laws; and he never offered his judgment to me. And I knew, that as I was to reverence him in his own profeſſion, ſo in matters of my profeſſion and concernment, he expected not, that I ſhould think as he, beyond the reaſons which he gave.

I muſt ſay, that he was of opinion, that the wealth and honour of the biſhops was convenient, to enable them the better to relieve the poor, and reſcue the inferior clergy from oppreſſion, and to keep up the honour of religion in the world. But all this on ſuppoſition, that it would be in the hands of wiſe and good men, or elſe it would do as

much harm. But when I aſked him, whether great wealth and honour would not be moſt earneſtly deſired and ſought by the worſt of men, while good men would not ſeek them? And whether he that was the only fervent ſeeker, was not likelieſt to obtain (except under ſome rare extraordinary prince?) And ſo whether it was not like to entail the office on the worſt, and to arm Chriſt's enemies againſt him to the end of the world (which a proviſion that had neither alluring nor much diſcouraging temptation, might prevent,) he gave me no anſwer. I have heard ſome ſay, if the pope were a good man, what a deal of good might he do? But have popes therefore bleſt the world.

I can truly ſay, that he greatly lamented the negligence, and ill lives, and violence of ſome of the clergy; and would oft ſay, what have they their calling, honour and maintenance for, but to ſeek the inſtructing and ſaving of men's ſouls?

He much lamented, that ſo many worthy miniſters were ſilenced, the church weakened, papiſts ſtrengthened, the cauſe of love and piety greatly wronged and hindered by the preſent differences about conformity. And he hath told me his judgment, that the only means to heal us was, a new act of uniformity, which ſhould neither leave all at liberty, nor impoſe any thing but neceſſary.

I had once a full opportunity to try his judgment far in this. It pleaſed the lord keeper Bridgman to invite Dr. Manton and myſelf (to whom Dr. Bates at our deſire was added,) to treat with Dr. Wilkins and Dr. Burton about the terms of

our reconciliation and reſtoration to our miniſterial liberty. After ſome days conference, we came to agreement in all things, as to the neceſſary terms. And becauſe Dr. Wilkins and I had ſpecial intimacy with judge Hale, we deſired him to draw it up in the form of an act, which he willingly did, and we agreed to every word. But it pleaſed the houſe of commons, hearing of it, to begin their next ſeſſion with a vote, that no ſuch bill ſhould be brought in; and ſo it died.

Query 1. Whether after this and other ſuch agreement, it be ingenuity, or ſomewhat elſe, that hath ever ſince ſaid, we know not what they would have? And that at once call out to us, and yet ſtrictly forbid us to tell them what it is we take for ſin, and what we deſire.

2. Whether it be likely, that ſuch men as biſhop Wilkins, and Dr. Burton, and judge Hale, would conſent to ſuch terms of our concord, as ſhould be worſe than our preſent condition of diviſion and convulſion is? And whether the maintainers of our dividing impoſitions, be all wiſer and better men than this judge and that biſhop were?

3. And whether it be any diſtance of opinion, or difficulty of bringing us to agreement, that keepeth England in its ſad diviſions, or rather ſome mens opinion, that our unity itſelf is not deſirable, leſt it ſtrengthen us? The caſe is plain.

His behaviour in the church was conformable, but prudent. He conſtantly heard a curate, too low for ſuch an auditor. In common-prayer he behaved himſelf as others, ſaving that, to avoid the differencing of the goſpels from the epiſtles,

and the bowing at the name of Jeſus, from the names, Chriſt, Saviour, God, &c. He would uſe ſome equality in his geſtures, and ſtand up at the reading of all God's word alike.

I had but one fear or ſuſpicion concerning him, which ſince I am aſſured was groundleſs: I was afraid leaſt he had been too little for the practical part of religion, as to the working of the ſoul towards God, in prayer, meditation, &c. becauſe he ſeldom ſpake to me of ſuch ſubjects, nor of practical books, or ſermons; but was ſtill ſpeaking of philoſophy, or of ſpirits, ſouls, the future ſtate, and the nature of God. But at laſt I underſtood, that his averſeneſs to hypocriſy made him purpoſely conceal the moſt of ſuch his practical thoughts and works, as the world now findeth by his contemplations and other writings.

He told me once, how God brought him to a fixed honour and obſervation of the Lord's day; that when he was young, being in the weſt, the ſickneſs or death of ſome relation at London, made ſome matter or eſtate to become his concernment; which required his haſtening to London from the weſt: and he was commanded to travel on the Lord's day: but I cannot well remember how many croſs accidents befel him in his journey; one horſe fell lame, another died, and much more; which ſtruck him with ſuch ſenſe of divine rebuke, as he never forgot.

When I went out of the houſe, in which he ſucceeded me, I went into a greater, over-againſt the church-door. The town having great need of help for their ſouls, I preached between the public ſermons in my houſe, taking the people

with me to the church (to common-prayer and ſermon) morning and evening. The judge told me, that he thought my courſe did the church much ſervice; and would carry it ſo reſpectfully to me at my door, that all the people might perceive his approbation. But Dr. Reeves could not bear it, but complained againſt me; and the biſhop of London cauſed one Mr. Roſſe of Brainford, and Mr. Philips, two juſtices of the peace, to ſend their warrants to apprehend me. I told the judge of the warrant, but aſked him no counſel, nor he gave me none; but with tears ſhewed his ſorrow: (the only time that ever I ſaw him weep.) So I was ſent to the common gaol for ſix months, by theſe two juſtices, by the procurement of the ſaid Dr. Reeves (his majeſty's chaplain, dean of Windſor, dean of Wolverhampton, parſon of Horſely, parſon of Acton.) When I came to move for my releaſe upon a habeas corpus (by the counſel of my great friend ſerjeant Fountain,) I found, that the character which judge Hale had given of me, ſtood me in ſome ſtead; and every one of the four judges of the common-pleas, did not only acquit me, but ſaid more for me than my counſel, (viz. judge Wild, judge Archer, judge Tyrel, and the lord chief juſtice Vaughan;) and made me ſenſible, how great a part of the honour of his majeſty's government, and the peace of the kingdom, conſiſted in the juſtice of the judges.

And indeed judge Hale would tell me, that biſhop Uſher was much prejudiced againſt lawyers, becauſe the worſt cauſes find their advocates: but that he and Mr. Selden had convinced him of the reaſons of it, to his ſatisfaction: and that he did

by acquaintance with them, believe that there were as many honeſt men among lawyers, proportionably, as among any profeſſion of men in England (not excepting biſhops or divines.)

And I muſt needs ſay, that the improvement of reaſon, the diverting men from ſenſuality and idleneſs, the maintaining of propriety and juſtice, and conſequently the peace and welfare of the kingdom, is very much to be aſcribed to the judges, and lawyers.

But this impriſonment brought me the great loſs of converſe with judge Hale: for the parliament in the next act againſt conventicles, put into it diverſe clauſes, ſuited to my caſe; by which I was obliged to go dwell in another country, and to forſake both London and my former habitation; and yet the juſtices of another county were partly enabled to purſue me.

Before I went, the judge had put into my hand four volumes (in folio,) which he had written, to prove the being and providence of God, the immortality of the ſoul, and life to come, the truth of chriſtianity, and of every book of the ſcripture by itſelf, beſides the common proofs of the whole. Three of the four volumes I had read over, and was ſent to the gaol before I read the fourth. I turned down a few leaves for ſome ſmall animadverſions, but had no time to give them him. I could not then perſuade him to review them for the preſs. The only fault I found with them of any moment, was that great copiouſneſs, the effect of his fulneſs and patience, which will be called tediouſneſs by impatient readers.

When we were ſeparated, he (that would re-

ceive no letters from any man, about any matters which he was to judge) was desirous of letter-converse about our philosophical and spiritual subjects. I having then begun a Latin methodus theologiæ, sent him one of the schemes (before mentioned,) containing the generals of the philosophical part, with some notes upon it; which he so over-ruled, that he urged me to proceed in the same way. I objected against putting so much philosophy (though mostly but de homine) in a method of theology: but he rejected my objections, and resolved me to go on.

At last it pleased God to visit him with his mortal sickness. Having had the stone before (which he found thick pond-water better ease him of, than the gravel spring-water,) in a cold journey, an extraordinary flux of urine took him first, and then such a pain in his side, as forced him to let much blood, more than once, to save him from sudden suffocation or oppression. Ever after which he had death in his lapsed countenance, flesh and strength, with shortness of breath. Dr. Willis, in his life-time, wrote his case without his name, in an observation in his pharmaceut, &c. which was shortly printed after his own death, and before his patient's: but I dare say it so crudely, as is no honour to that book.

When he had striven a while under his disease, he gave up his place, not so much from the apprehension of the nearness of his death (for he could have died comfortably in his public work,) but from the sense of his disability to discharge his part: but he ceased not his studies, and that upon points which I could have wished him to let

go (being confident, that he was not far from his end.)

I ſent him a book which I newly publiſhed, for reconciling the controverſies about predeſtination, redemption, grace, free-will, but deſired him not to beſtow too much of his precious time upon it: but (before he left his place) I found him at it ſo oft, that I took the boldneſs to tell him, that I thought more practical writings were moſt ſuitable to his caſe, who was going from this contentious world. He gave me but little anſwer; but I after found, that he plied practicals and contemplatives in their ſeaſon; which he never thought meet to give me any account of. Only in general he oft told me, that the reaſon and ſeaſon of his writings (againſt atheiſm, &c. aforeſaid) were, both in his circuit and at home, he uſed to ſet apart ſome time for meditation, eſpecially after the evening public worſhip every Lord's day; and that he could not ſo profitably keep his thoughts in connection and method, otherwiſe, as by writing them down; and withal, that if there were any thing in them uſeful it was the way to keep it for after uſe: and therefore for the better management, for the accountableneſs and the after uſe, he had long accuſtomed to pen his meditations; which gave us all of that nature that he hath left us.

Notwithſtanding his own great furniture of knowledge, and he was accounted by ſome, ſomewhat tenacious of his conceptions (for men that know much, cannot eaſily yield to the expectations of leſs knowing men,) yet I muſt ſay, that I remember not that ever I converſed with a man that was readier to receive and learn. He would

hear as patiently, and recollect all so distinctly, and then try it so judiciously (not disdaining to learn of an inferior in some things, who in more had need to learn of him,) that he would presently take what some stand wrangling against many years. I never more perceived in any man, how much great knowledge and wisdom facilitate additions, and the reception of any thing not before known. Such a one presently perceiveth that evidence which another is incapable of.

For instance, the last time, save one, that I saw him (in his weakness at Acton,) he engaged me to explicate the doctrine of divine government (and decree,) as consistent with the sin of man. And when I had distinctly told him, 1. What God did, as the author of nature, physically. 2. What he did, as legislator, morally. And 3. What he did, as benefactor, and by special grace. 4. And where permission came in, and where actual operation. 5. And so, how certainly God might cause the effects, and not cause the volitions, as determinate to evil, [though the volition and effect being called by one name (as theft, murder, adultery, lying, &c.) oft deceive men:] he took up all that I had said in order, and distinctly twice over repeated each part in its proper place, and with its reason: and when he had done, said, that I had given him satisfaction.

Before I knew what he did himself in contemplations, I took it not well, that he more than once told me, "Mr. Baxter, I am more beholden to you than you are aware of; and I thank you for all, but especially for your scheme, and your catholic theology." For I was sorry, that a man

(that I thought) ſo near death, ſhould ſpend much of his time on ſuch controverſies (though tending to end them.) But he continued after, near a year, and had leiſure for contemplations which I knew not of.

When I parted with him, I doubted which of us would be firſt at heaven: but he is gone before, and I am at the door, and ſomewhat the willinger to go, when I think ſuch ſouls as his are there.

When he was gone to Glouceſterſhire, and his contemplations were publiſhed by you, I ſent him the confeſſion of my cenſures of him, how I had feared that he had allowed too great a ſhare of his time and thoughts to ſpeculation, and too little to practicals; but rejoiced to ſee the conviction of my error: and he returned me a very kind letter, which was the laſt.

Some cenſured him for living under ſuch a curate at Acton, thinking it was in his power to have got Dr. Reeves, the parſon, to provide a better. Of which I can ſay, that I once took the liberty to tell him, that I feared too much tepidity in him, by reaſon of that thing; not that he needed himſelf a better teacher, who knew more, and could over-look ſcandals; but for the ſake of the poor ignorant people, who greatly needed better help. He anſwered me, that if money would do it, he would willingly have done it; but the Dr. was a man, not to be dealt with; which was the hardeſt word that I remember I ever heard him uſe of any. For I never knew any man more free from ſpeaking evil of others behind their backs. Whenever the diſcourſe came up to the faultineſs of any individuals, he would be ſilent: but the ſorts of

faulty perſons he would blame with cautelous freedom, eſpecially idle, proud, ſcandalous, contentious, and factious clergymen. We agreed in nothing more than that which he oft repeateth in the papers which you gave me, and which he oft expreſſed, viz. that true religion conſiſteth in great, plain, neceſſary things, the life of faith and hope, the love of God and man, an humble ſelf-denying mind, with mortification of worldly affection, carnal luſt, &c. And that the calamity of the church, and withering of religion, hath come from proud and buſy men's additions, that cannot give peace to themſelves and others, by living in love and quietneſs on this chriſtian ſimplicity of faith and practice, but vex and turmoil the church with theſe needleſs and hurtful ſuperfluities; ſome by their deciſions of words, or unneceſſary controverſies; and ſome by their reſtleſs reaching after their own worldly intereſt, and corrupting the church, on pretence of raiſing and defending it; ſome by their needleſs ceremonies, and ſome by their ſuperſtitious and cauſeleſs ſcruples. But he was eſpecially angry at them that would ſo manage their differences about ſuch things, as to ſhew, that they had a greater zeal for their own additions, than for the common ſaving truths and duties which we were all agreed in; and that did ſo manage their ſeveral little and ſelfiſh cauſes, as wounded or injured the common cauſe of the chriſtian and reformed churches. He had a great diſtaſte of the books called, a friendly debate, &c. and eccleſiaſtical polity, as from an evil ſpirit, injuring ſcripture phraſe, and tempting the atheiſts to contemn all religion, ſo they might but vent their

ſpleen, and be thought to have the better of their adverſaries; and would ſay, how eaſy is it to requite ſuch men, and all parties to expoſe each other to contempt? (Indeed, how many pariſhes in England afford too plenteous matter of reply to one that took that for his part; and of tears of ſerious obſervers?)

His main deſire was, that as men ſhould not be peeviſhly quarrelſome againſt any lawful circumſtances, forms or orders in religion, much leſs think themſelves godly men, becauſe they can fly from other mens circumſtances, or ſettled lawful orders as ſin; ſo eſpecially, that no human additions of opinion, order, modes, ceremonies, profeſſions, or promiſes, ſhould ever be managed to the hindering of chriſtian love and peace, nor of the preaching of the goſpel, nor the wrong of our common cauſe, or the ſtrengthening of atheiſm, infidelity, prophaneneſs or popery; but that chriſtian verity and piety, the love of God and man, and a good life, and our common peace in theſe, might be firſt reſolved on and ſecured, and all our additions might be uſed, but in due ſubordination to theſe, and not to any injury of any of them; nor ſects, parties, or narrow intereſts be ſet up againſt the common duty, and the public intereſt and peace.

I know you are acquainted, how greatly he valued Mr. Selden, being one of his executors; his books and picture being ſtill near him. I think it meet therefore to remember, that becauſe many Hobbiſts do report, that Mr. Selden was at the heart an infidel, and inclined to the opinions of Hobbs, I deſired him to tell me the truth herein: and he oft profeſſed to me, that Mr. Selden was

a reſolved ſerious chriſtian; and that he was a great adverſary to Hobbs' errors; and that he had ſeen him openly oppoſe him ſo earneſtly, as either to depart from him, or drive him out of the room. And as Mr. Selden was one of thoſe called Eraſtians (as his book de Synedriis, and others ſhew,) yet owned the office properly miniſterial. So muſt lawyers that ever I was acquainted with, taking the word juriſdiction, to ſignify ſomething more than the mere doctoral, prieſtly power, and power over their own ſacramental communion in the church which they guide, do uſe to ſay, that it is primarily in the magiſtrate (as no doubt all power of corporal coercion, by mulcts and penalties is.) And as to the accidentals to the proper power of prieſthood, or the keys, they truly ſay with Dr. Stillingfleet, that God hath ſettled no one form.

Indeed, the lord chief juſtice thought, that the power of the word and ſacraments in the miniſterial office, was of God's inſtitution; and that they were the proper judges appointed by Chriſt, to whom they themſelves ſhould apply ſacraments, and to whom they ſhould deny them. But that the power of chancellors courts, and many modal additions, which are not of the eſſence of the prieſtly office, floweth from the king, and may be fitted to the ſtate of the kingdom. Which is true, if it be limited by God's laws, and exerciſed on things only allowed them to deal in, and contradict not the orders and powers ſettled by Chriſt and his apoſtles.

On this account he thought well of the form of government in the church of England; (lamenting the miſcarriages of many perſons,) and the

want of parochial reformation: but he was greatly for uniting in love and peace, upon so much as is necessary to salvation, with all good, sober, peaceable men.

And he was much against the corrupting of the christian religion (whose simplicity and purity he justly took to be much of its excellency,) by mens busy additions, by wit, policy, ambition, or any thing else which sophisticateth it, and maketh it another thing, and causeth the lamentable contentions of the world.

What he was as a lawyer, a judge, a christian, is so well known, that I think for me to pretend that my testimony is of any use, were vain. I will only tell you what I have written by his picture, in the front of the great bible which I bought with his legacy, in memory of his love and name, viz. "Sir Matthew Hale, that unwearied student, that prudent man, that solid philosopher, that famous lawyer, that pillar and basis of justice (who would not have done an unjust act for any worldly price or motive,) the ornament of his majesty's government, and honour of England; the highest faculty of the soul of Westminster-hall, and pattern to all the reverend and honourable judges; that godly, serious, practical christian, the lover of goodness and all good men; a lamenter of the clergy's selfishness, and unfaithfulness, and discord, and of the sad divisions following hereupon; an earnest desire of their reformation, concord, and the church's peace, and of a reformed act of uniformity, as the best and necessary means thereto; that great contemner of the riches, pomp and vanity of the world; that pattern of honest plain-

neſs and humility, who while he fled from the honours that purſued him, was yet lord chief juſtice of the king's bench, after his being long lord chief baron of the exchequer; living and dying, entering on, uſing, and voluntarily ſurrendering his place of judicature, with the moſt univerſal love, and honour, and praiſe, that ever did Engliſh ſubject in this age, or any that juſt hiſtory doth acquaint us with, &c. &c. &c. This man ſo wiſe, ſo good, ſo great, bequeathing me in his teſtament the legacy of forty ſhillings, merely as a teſtimony of his reſpect and love, I thought this book, the teſtament of Chriſt, the meeteſt purchaſe by that price, to remain in memorial of the faithful love, which he bare and long expreſſed to his inferior and unworthy, but honouring friend, who thought to have been with Chriſt before him, and waiteth for the day of his perfect conjunction with the ſpirits of the juſt made perfect."

RICHARD BAXTER.

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